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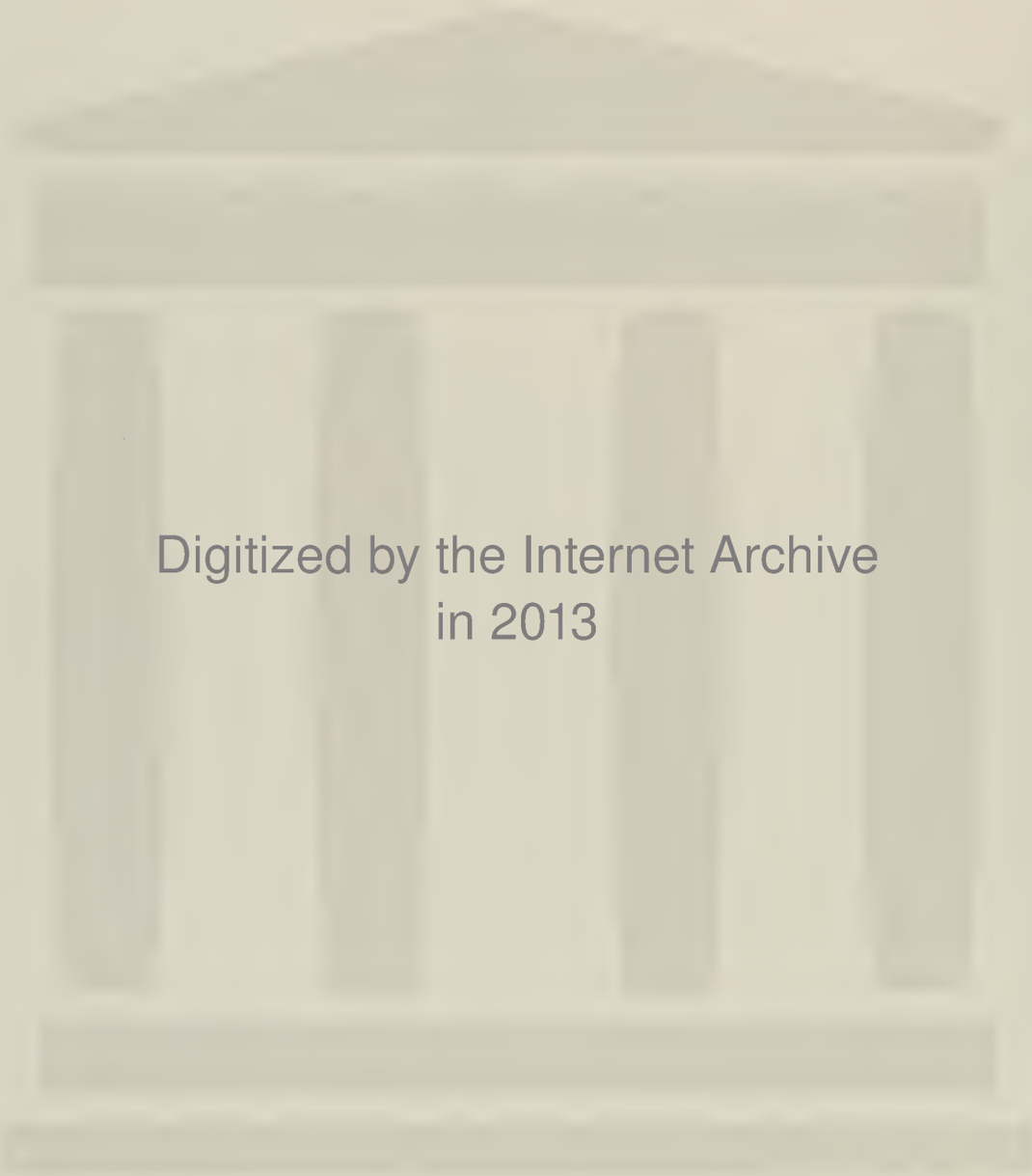

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OF
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REGULAR MEETING OF THE BOARD OF APPEALS
WEDNESDAY, JANUARY 15, 1997
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

3) **ADOPTION OF FINDINGS:** Appeal No. 96-130, 38 Lyon Street. Hearing December 11, 1996. Upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the department with findings and **GRANT** the permit; the house's use is clarified as two units on the **CONDITION** that smoke detectors are installed as required by the Building Code.

APPEAL NO. 96-156

4) CHRISTINE B. CORDARO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[13, 1996, to lessee Emilio Moran,
[permit to Alter a Building (con-
[vert office area to educational/
[church facility consisting of
[47 fixed chairs) at 5425 Mission
[Street.
[APPLICATION NO. 9606501.
[FOR FURTHER HEARING TODAY.

5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 96-167

A) KALANI WALTHER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[December 5, 1996, for work
[done at 159 Peralta Street.
[APPLICATION NO. 9618179.
[FOR HEARING TODAY.

APPEAL NO. 96-170

B) RUN LIAN FENG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[December 10, 1996, for work
[done at 346 Teddy Avenue.
[APPLICATION NO. 9608597.
[FOR HEARING TODAY.

APPEAL NO. 96-172

C) SALVADOR MARAMAG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[December 9, 1996, for work
[done at 3 Rudden Avenue.
[APPLICATION NO. 9620827.
[FOR HEARING TODAY.

APPEAL NO. 96-138

(6) NEIL CHAITIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August [8, 1996, to Farah Champsi, permit [to Alter a Building (horizontal [rear addition to enlarge family [room at first floor, enlarge bed- [room at second floor and add deck [at third floor) at 2740 Divisadero [Street.
[APPLICATION NO. 9310717S.
[FOR HEARING TODAY.

Item (7A) and (7B) shall be heard together

APPEAL NO. 96-168

(7A) GLEN HILDEBRAND & SUE BUSBY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November [20, 1996, to Thomas M. McIntyre, [permit to Demolish a Building [(single-family dwelling) at [285 States Street.
[APPLICATION NO. 9312857.
[FOR HEARING TODAY.

APPEAL NO. 96-169

(7B) GLEN HILDEBRAND & SUE BUSBY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November [20, 1996, to Thomas M. McIntyre, [permit to Erect a Building (three- [story, two-family dwelling) at [285 States Street.
[APPLICATION NO. 9312858S.
[FOR HEARING TODAY.

APPEAL NO. 96-171

(8) NELLY LUKAS & TINA FONG, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November [25, 1996, to Leonardo Calica, [permit to Alter a Building [(addition to rear) at [2043 - 32nd Avenue.
[APPLICATION NO. 9511363S.
[FOR HEARING TODAY.

Date posted: January 9, 1997

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MEMBERS OF THE BOARD OF APPEALS

WAYNE JACKSON HU	PRESIDENT
MAURI SCHWARTZ	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
JOHN E. McINERNEY, III	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

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Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

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Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE BOARD OF APPEALS
WEDNESDAY, JANUARY 15, 1997
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Wayne Hu, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

ABSENT: Vice President Mauri Schwartz.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: Commissioners McInerney and Cullum thanked Mr. Kornfield for the tour of the departments and Commissioner Salgado apologized for missing the tour and asked that another be scheduled for him. Commissioner McInerney asked that a plan reading workshop be scheduled before a meeting for the Commissioners. Mr. Passmore and Mr. Kornfield agreed to do one.

(3) **ADOPTION OF FINDINGS:** Appeal No. 96-130, 38 Lyon Street. Hearing December 11, 1996. Upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the department with findings and **GRANT** the permit; the house's use is clarified as two units on the **CONDITION** that smoke detectors are installed as required by the Building Code.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to **ADOPT** findings.

SPEAKERS: None.

APPEAL NO. 96-156

(4) CHRISTINE B. CORDARO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 13, 1996, to lessee Emilio Moran, permit to Alter a Building (convert office area to educational/church facility consisting of 47 fixed chairs) at 5425 Mission Street.
[APPLICATION NO. 9606501.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS**.

SPEAKERS: Christine Cordaro, appellant; Robert Passmore, Zoning Administrator for the Planning Department; and Judith Boyajian, Deputy City Attorney. (Rev. Laylay and Merilinne Moran, permit holders, appeared at the end of the meeting and were given copies of the conditions by the executive secretary.)

(5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 96-167

(A) KALANI WALTHER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on December 5, 1996, for work done at 159 Peralta Street.
[APPLICATION NO. 9618179.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $134.55 for a total of $269.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 96-170

(B) RUN LIAN FENG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on December 10, 1996, for work done at 346 Teddy Avenue.
[APPLICATION NO. 9608597.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 1-3 (President Hu, Commissioners Cullum and McInerney dissented) to overrule the department with the condition that the penalty be reduced to two times the regular fee of $232.05 for a total of $464.10. Four votes are needed and the motion fails. The penalty is **SUSTAINED**.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Gordon Yee, agent for appellant; and Mrs. Feng, appellant's wife.

APPEAL NO. 96-172

(C) SALVADOR MARAMAG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[December 9, 1996, for work
[done at 3 Rudden Avenue.
[APPLICATION NO. 9620827.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $378.30 for a total of $756.60.

SPEAKERS: The appellant was present but did not speak.

The Board recessed from 6:34 to 6:39 p.m.

APPEAL NO. 96-138

(6) NEIL CHAITIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[8, 1996, to Farah Champsi, permit
[to Alter a Building (horizontal
[rear addition to enlarge family
[room at first floor, enlarge bed-
[room at second floor and add deck
[at third floor) at 2740 Divisadero
[Street.
[APPLICATION NO. 9310717S.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **March 19, 1997** at the request of the parties for more time to work out an agreement.

Item (7A) and (7B) were heard together

APPEAL NO. 96-168

(7A) GLEN HILDEBRAND & SUE BUSBY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[20, 1996, to Thomas M. McIntyre,
[permit to Demolish a Building
[(single-family dwelling) at
[285 States Street.
[APPLICATION NO. 9312857.
[FOR HEARING TODAY.

APPEAL NO. 96-169

(7B) GLEN HILDEBRAND & SUE BUSBY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November [20, 1996, to Thomas M. McIntyre, [permit to Erect a Building (three-[story, two-family dwelling) at [285 States Street. [APPLICATION NO. 9312858S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permits.

SPEAKERS: William Lightner, attorney for appellants; Alice Barkley, attorney for permit holder; Glen Hildebrand, appellant; Walter Watson, in support of appellants; Robert Passmore, Zoning Administrator for the Planning Department; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Curtis Prune, contractor for permit holder.

APPEAL NO. 96-171

(8) NELLY LUKAS & TINA FONG, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November [25, 1996, to Leonardo Calica, [permit to Alter a Building [(addition to rear) at [2043 - 32nd Avenue. [APPLICATION NO. 9511363S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Tina Fong, appellant; Kevin Morris and David Morris agents for Nelly Lukas; Myra Hurley, agent for permit holder; and Robert Passmore, Zoning Administrator for the Planning Department.

There being no further business, President Hu adjourned the meeting at 7:47 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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1/22/97

REGULAR MEETING OF THE BOARD OF APPEALS
WEDNESDAY, JANUARY 22, 1997
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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(1) **ELECTION OF OFFICERS:** Annual election of President and Vice President of Board to serve until January 15, 1998.

(2) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(3) **COMMISSIONERS COMMENTS AND QUESTIONS.**

4) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from Peter Johansen requesting that the Board take jurisdiction over Building Permit Application No. 9621249 issued to Daniel Levi to add a playroom, laundry and full bath on the ground floor at 437 Wildwood Way.

Date issued	December 10, 1996
Appeal period ended	December 26, 1996
Request for jurisdiction	January 7, 1997

APPEAL NO. 96-173

5) TOM P. FOAKES, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on December 3, 1996,
[of Tow Car Operator permit.
[FOR HEARING TODAY.

APPEAL NO. 96-178

6) MICHAEL SKLYAR, DIMITRY PERTSOVSKY, MININ & OLEG PONOMARENKO, Appellants
vs.
POLICE DEPARTMENT, Respondent

[Denial on December 16, 1996,
[of Pawnbroker permit at
[2048-2050 Mission Street.
[FOR HEARING TODAY.

tems (7A) and (7B) shall be heard together

APPEAL NO. 96-046

7A) JERALD ROBERTS & LINDA KIEFER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April
[9, 1996, to Anthony and Susan
[Chan, permit to Erect a Building
[(three-story single family
[dwelling) at 2168 - 10th Avenue.
[APPLICATION NO. 9501843S.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 96-140

(7B) JERALD ROBERTS & LINDA KIEFER, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Amended determination by the [Zoning Administrator dated [September 9, 1996 partially [granting and partially refusing [determinations requested of him [by the appellants that the plans [approved for the one-family house [proposed for 2168 - 10th Avenue [are in violation of eight sections [of the Planning Code, and that [he refused to determine that [inadequate and incorrect facts [were available to support the [conditional use authorization [for the lot split and the appli- [cant misrepresented facts on which [the Planning Commission relied [in allowing the lot split for [the property at 2150 - 10th Avenue. [FOR FURTHER HEARING TODAY.

APPEAL NO. 96-176

(8) STEPHEN M. BANUELOS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December [9, 1996, to Ayman T. Shehadeh, [permit to Erect a Building (three- [story single-family dwelling) [at 114 Elsie Street. [APPLICATION NO. 9601074S. [FOR HEARING TODAY.

APPEAL NO. 97-001

(9) PATRICK O'SULLIVAN, Appellant
vs.
DEPT. BUILDING Inspection, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December [20, 1996, to Peter and Katherina [Bogatsky, permit to Alter a [Building (revised drawings to [reflect skylights in kitchen [and breakfast room; remove par- [tition between kitchen and break- [fast room; change window config- [uration in nanny's quarters; in- [incorporate previous applications) [at 2000 Ulloa Street. [APPLICATION NO. 9610199. [FOR HEARING TODAY.

(10) **AMENDMENTS TO CODE RELATING TO BOARD OF APPEALS.** Public hearing and consideration for adoption of amendments to Sections 8, 9, 10, 11, 13, 14, 29, 30, 31 of Article 1 of Part III of the San Francisco Municipal Code to conform language to New Charter and to Ordinance No. 61-96 approved February 9, 1996. These sections set forth the procedures of the Board of Appeals.

Date posted: January 16, 1997

MEMBERS OF THE BOARD OF APPEALS

WAYNE JACKSON HU	PRESIDENT
MAURI SCHWARTZ	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
JOHN E. McINERNEY, III	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

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In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE BOARD OF APPEALS
WEDNESDAY, JANUARY 22, 1997
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401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Wayne Hu, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) ELECTION OF OFFICERS: Annual election of President and Vice President of Board to serve until January 15, 1998.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 5-0 to elect Commissioner Cullum as President and Commissioner John McInerney as Vice President. Thereafter President Cullum presided.

SPEAKERS: Commissioner Hu thanked the Board for their support during his year as president. Commissioner Schwartz thanked Commissioner Hu on behalf of the Board for his distinguished service as president during 1996.

(2) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: Edith McMillan requested that the Board reinstate the public comment period at the end of the calendar.

President Cullum said she would consider it.

(3) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: President Cullum asked staff to schedule a public hearing on February 5, 1997 to consider changing the meeting starting time to 6:00 p.m.

(4) REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD: Letter from Peter Johansen requesting that the Board take jurisdiction over Building Permit Application No.

9621249 issued to Daniel Levi to add a playroom, laundry and full bath on the ground floor at 537 Wildwood Way.

Date issued	December 10, 1996
Appeal period ended	December 26, 1996
Request for jurisdiction	January 7, 1997

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 3-2 (Commissioners Salgado and Schwartz dissented) to grant jurisdiction. Four votes are needed and the motion failed. The request is **DENIED.**

SPEAKERS: Peter Johansen, requestor; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Robert Passmore, Zoning Administrator for the Planning Department; and Daniel and Rita Levi, permit holders.

APPEAL NO. 96-173

TOM P. FOAKES, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on December 3, 1996,
[of Tow Car Operator permit.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **February 12, 1997** at request of appellant with agreement of Police Department (Sergeant Coggan).

APPEAL NO. 96-178

MICHAEL SKLYAR, DIMITRY PERTSOVSKY, MININ & OLEG PONOMARENKO, Appellants
vs.
POLICE DEPARTMENT, Respondent

[Denial on December 16, 1996,
[of Pawnbroker permit at
[2048-2050 Mission Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 5-0 to **DENY** the request for continuance from the Liberty Hill Neighborhood Association. Then after taking testimony, upon motion by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: Sergeant William Coggan, attorney for S.F.P.D.; Paul Slavin, attorney for appellants; John Barbey, representing Liberty Hill Neighborhood Association, in support of the department; Judith Boyajian, Deputy City Attorney; and Victoria Kantarzhi, in support of appellants.

The Board recessed from 6:55 to 7:11 p.m.

Items (7A) and (7B) shall were heard together

APPEAL NO. 96-046

JERALD ROBERTS & LINDA KIEFER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April
[9, 1996, to Anthony and Susan
[Chan, permit to Erect a Building
[(three-story single family
[dwelling) at 2168 - 10th Avenue.
[APPLICATION NO. 9501843S.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 96-140

(7B) JERALD ROBERTS & LINDA KIEFER, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Amended determination by the [Zoning Administrator dated [September 9, 1996 partially [granting and partially refusing [determinations requested of him [by the appellants that the plans [approved for the one-family house [proposed for 2168 - 10th Avenue [are in violation of eight sections [of the Planning Code, and that [he refused to determine that [inadequate and incorrect facts [were available to support the [conditional use authorization [for the lot split and the appli- [cant misrepresented facts on which [the Planning Commission relied [in allowing the lot split for [the property at 2150 - 10th Avenue. [FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 1-4 (President Cullum, Commissioners Hu, Salgado, Schwartz dissented) to uphold the department and grant the permit. Four votes are needed and the motion fails. Then upon motion by Commissioner Hu, the Board voted 5-0 to **CONTINUE** the matter to **February 26, 1997** for permit holder to prepare a geotechnical report on soils and plan for temporary shoring, and a plan for ongoing geotechnical oversight during construction, and plans accepted as modified.

SPEAKERS: John Sanger, attorney for appellants; Alice Barkley, attorney for permit holder; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Robert Passmore, Zoning Administrator for the Planning Department; and Judith Boyajian, Deputy City Attorney.

The Board recessed from 8:18 to 8:25 p.m.

APPEAL NO. 96-176

(8) STEPHEN M. BANUELOS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December [9, 1996, to Ayman T. Shehadeh, [permit to Erect a Building (three- [story single-family dwelling) [at 114 Elsie Street. [APPLICATION NO. 9601074S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Stephen Banuelos, appellant; and Tony Vella, permit holder and current owner.

ac (9) **APPEAL NO. 97-001**

PATRICK O'SULLIVAN, Appellant
vs.
DEPT. BUILDING Inspection, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December [20, 1996, to Peter and Katherina [Bogatsky, permit to Alter a [Building (revised drawings to [reflect skylights in kitchen [and breakfast room; remove par- [tition between kitchen and break- [fast room; change window config- [uration in nanny's quarters; in- [incorporate previous applications) [at 2000 Ulloa Street. [APPLICATION NO. 9610199. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **UPHOLD** the department with the **CONDITION** that the window be removed from the ground floor storage room and the language of the Notice of Special Restrictions be amended by Mr. Passmore and rerecorded by the permit holder on the land records.

SPEAKERS: Sue Hestor, attorney for appellant; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Robert Passmore, Zoning Administrator for the Planning Department; Joe O'Donoghue, in support of the appellant; Andrew Zacks, attorney for permit holder; Peter and Katherina Bogatsky, permit holders; and Judith Boyajian, Deputy City Attorney.

(10) **AMENDMENTS TO CODE RELATING TO BOARD OF APPEALS.** Public hearing and consideration for adoption of amendments to Sections 8, 9, 10, 11, 13, 14, 29, 30, 31 of Article 1 of Part III of the San Francisco Municipal Code to conform language to New Charter and to Ordinance No. 61-96 approved February 9, 1996. These sections set forth the procedures of the Board of Appeals.

ACTION: Upon motion by Vice President McInerney, the Board voted 5-0 to **ADOPT** the amendments.

SPEAKERS: None.

There being no further business, President Hu adjourned the meeting at 9:20 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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REGULAR MEETING OF THE BOARD OF APPEALS

WEDNESDAY, FEBRUARY 5, 1997

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

3) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 97-002

A) DENNIS TRIMBLE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[January 3, 1997, for work
[done 1737-1739 Broadway Street.
[APPLICATION NO. 9614839.
[FOR HEARING TODAY.

APPEAL NO. 97-003

B) MUN YIP, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[January 7, 1997, for work
[done at 806 Arguello Blvd.
[APPLICATION NO. 9603520.
[FOR HEARING TODAY.

APPEAL NO. 97-005

C) FLORENCIO B. ANCHETA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[January 9, 1997, for work
[done at 648 Gates Street.
[APPLICATION NO. 9622307.
[FOR HEARING TODAY.

APPEAL NO. 97-006

4) JOAN TAYLER, MARSHA PRICE AND
JUAN LARACH, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[6, 1997, to Michael R. Cabak,
[permit to Alter a Building
[(chimney flues for previously
[approved fireplaces) at
[1742 Jones Street.
[APPLICATION NO. 9623798.
[FOR HEARING TODAY.

5) **AMENDMENT TO RULES OF BOARD OF APPEALS**: Public hearing and consideration of adoption of amendment to Section 1 of Article I of the Board's Rules changing the starting time of Wednesday night meetings from 5:30 p.m. to 6:00 p.m.

This hearing has been scheduled at the request of the Board president. In the event that this amendment is adopted the staff will schedule future meetings to begin at 6:00 p.m. The place of meetings will remain in Room 428 in the interim City Hall, the Veterans War Memorial Building at 401 Van Ness Avenue, corner McAllister Street.

Copies of the Board's Rules are available at the Board office at 875 Stevenson, Room 440, off Tenth Street.

ate posted: January 30, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
WAYNE JACKSON HU	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE BOARD OF APPEALS
WEDNESDAY, FEBRUARY 5, 1997
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Wayne Hu, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: John Morrissey complained to the Board that the permit holder is not complying with the conditions of its decision for 2020 Jackson Street.

President Cullum and Vice President McInerney agreed with Mr. Morrissey's position.

Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection offered to follow-up on the Board's request that the project be inspected to ensure compliance with its decision.

Robert Passmore, Zoning Administrator for the Planning Department reported on the progress of the Notice of Special Restrictions for 2000 Ulloa Street.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: President Cullum, on behalf of the other members, presented Commissioner Hu with a plaque commemorating his year as president of the Board.

(3) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Chief Inspector Kornfield agreed to A and B only. Item C was given a full hearing.

APPEAL NO. 97-002

(A) DENNIS TRIMBLE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[January 3, 1997, for work
[done 1737-1739 Broadway Street.
[APPLICATION NO. 9614839.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $517.80 for a total of $1,035.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-003

(B) MUN YIP, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[January 7, 1997, for work
[done at 806 Arguello Blvd.
[APPLICATION NO. 9603520.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $313.30 for a total of $626.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-005

(C) FLORENCIO B. ANCHETA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[January 9, 1997, for work
[done at 648 Gates Street.
[APPLICATION NO. 9622307.
[FOR HEARING TODAY.

ACTION: After taking testimony and discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Mary Lou Samson, agent for appellant; and Laurence Kornfield, Chief Building Inspector.

APPEAL NO. 97-006

(4) JOAN TAYLER, MARSHA PRICE AND JUAN LARACH, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[6, 1997, to Michael R. Cabak,
[permit to Alter a Building
[(chimney flues for previously
[approved fireplaces) at
[1742 Jones Street.
[APPLICATION NO. 9623798.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** at hearing by James Johnson, attorney for appellants, because the parties reached an agreement.

SPEAKER: James Johnson, attorney for appellants.

(5) **AMENDMENT TO RULES OF BOARD OF APPEALS**: Public hearing and consideration of adoption of amendment to Section 1 of Article I of the Board's Rules changing the starting time of Wednesday night meetings from 5:30 p.m. to 6:00 p.m.

This hearing has been scheduled at the request of the Board president. In the event that this amendment is adopted the staff will schedule future meetings to begin at 6:00 p.m. The place of meetings will remain in Room 428 in the interim City Hall, the Veterans War Memorial Building at 401 Van Ness Avenue, corner McAllister Street.

Copies of the Board's Rules are available at the Board office at 875 Stevenson, Room 440, off Tenth Street.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to change the start time of Board meetings from 5:30 p.m. to 6:00 p.m.

SPEAKERS: None.

There being no further business, President Cullum adjourned the meeting at 9:21 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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REGULAR MEETING OF THE BOARD OF APPEALS

WEDNESDAY, FEBRUARY 26, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Sheldon Milstein, appellant requesting rehearing of Appeal No. 96-017, 471-475 Union Street. Hearing August 14, 1996. Upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **DENY** the permit.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Joe M. Winters requesting that the Board take jurisdiction over Building Permit Application No. 9601807S, issued to John Lyddon to erect four live/work units over an existing two-story live/work building at 727-753 Florida Street.

Date issued	January 24, 1997
Last day to appeal	February 10, 1997
Request for jurisdiction	February 12, 1997

APPEAL NO. 96-173

(4) TOM P. FOAKES, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on December 3, 1996,
[of Tow Car Operator permit.
[FOR HEARING TODAY.

(5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 96-179

(A) BELLE S. LANGDON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[December 31, 1996, for work
[done at 151 Valdez Street.
[APPLICATION NO. 9616801.
[FOR HEARING TODAY.

APPEAL NO. 97-008

(B) DANIEL GUAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 3, 1997, for work
[done at 168 Rae Avenue.
[APPLICATION NO. 9508428.
[FOR HEARING TODAY.

Items (6A) and (6B) shall be heard together

APPEAL NO. 96-046

(6A) JERALD ROBERTS & LINDA KIEFER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April [9, 1996, to Anthony and Susan [Chan, permit to Erect a Building [(three-story single family [dwelling) at 2168 - 10th Avenue. [APPLICATION NO. 9501843S. [FOR FURTHER HEARING TODAY.

APPEAL NO. 96-140

(6B) JERALD ROBERTS & LINDA KIEFER, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Amended determination by the [Zoning Administrator dated [September 9, 1996 partially [granting and partially refusing [determinations requested of him [by the appellants that the plans [approved for the one-family house [proposed for 2168 - 10th Avenue [are in violation of eight sections [of the Planning Code, and that [he refused to determine that [inadequate and incorrect facts [were available to support the [conditional use authorization [for the lot split and the appli- [cant misrepresented facts on which [the Planning Commission relied [in allowing the lot split for [the property at 2150 - 10th Avenue. [FOR FURTHER HEARING TODAY.

APPEAL NO. 96-078

(7) ROGER DODGE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Disapproval on June 10, 1996, [of permit to Alter a Building [(legalize building and split [lot into two equal parcels [with building easement) [at 57 Bradford Street. [APPLICATION NO. 9414405S. [FOR FURTHER HEARING TODAY.

Items (8A) and (8B) shall be heard together

APPEAL NO. 97-009

(8A) ARTURO RAMIREZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January [23, 1997, to Ciaran Scally, [permit to Erect a Building [(four live/work units) at [685 Tennessee Street. [APPLICATION NO. 9618063. [FOR HEARING TODAY.

APPEAL NO. 97-010

(8B) POTRERO BOOSTERS & MERCHANTS ASSOC., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January [23, 1997, to Ciaran Scally, [permit to Erect a Building [(four live/work units) at [685 Tennessee Street. [APPLICATION NO. 9618063. [FOR HEARING TODAY.

(9) **PUBLIC HEARING AND CONSIDERATION OF ADDING "PUBLIC COMMENT" AT END OF EACH BOARD CALENDAR.**

Date posted: February 20, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
WAYNE JACKSON HU	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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SPECIAL NOTES

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REQUESTS FOR REHEARING

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE BOARD OF APPEALS
WEDNESDAY, FEBRUARY 26, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Wayne Hu, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: Jeremy Paul, Eileen and John Morrissey regarding the conditions of approval for 2020 Jackson Street.

Thomas Lombardo requested a refund of the appeal fee he paid to the Board protesting issuance of a tree removal permit. Appeal No. 97-017 is scheduled for March 19, 1997.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: President Cullum's response to the parties for 2020 Jackson Street was that amendments made to the set of plans in December are final and the Board no longer has jurisdiction. After confirming with Judith Boyajian, Deputy City Attorney, President Cullum informed Mr. Lombardo there is no provision for refund of appeal fees in the Board Rules.

Vice President McInerney requested that the appellants who appeal penalties for work done by previous owners not be required to file an appeal. Laurence Kornfield, Chief Building Inspector for the Department of Building said he would look into the matter.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Sheldon Milstein, appellant requesting rehearing of Appeal No. 96-017, 471-475 Union Street. Hearing August 14, 1996. Upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **DENY** the permit.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKER: Roslyn Milstein for appellant.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Joe M. Winters requesting that the Board take jurisdiction over Building Permit Application No. 9601807S, issued to John Lyddon to erect four live/work units over an existing two-story live/work building at 727-753 Florida Street.

Date issued	January 24, 1997
Last day to appeal	February 10, 1997
Request for jurisdiction	February 12, 1997

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 4-1 (Vice President McInerney dissented) to **GRANT** the request for jurisdiction. The Board also requested that the matter be scheduled as early as possible (March 19).

SPEAKERS: Joe Winters, requestor; and John Lyddon, permit holder.

(4) **APPEAL NO. 96-173**

TOM P. FOAKES, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on December 3, 1996,
[of Tow Car Operator permit.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **March 5, 1997** at the request of the appellant with the agreement of the Police Department.

(5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, FEBRUARY 26, 1997 (cont'd.)

APPEAL NO. 96-179

(A) BELLE S. LANGDON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[December 31, 1996, for work
[done at 151 Valdez Street.
[APPLICATION NO. 9616801.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President McInerney, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $608.08 for a total of $1,216.16

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-008

(B) DANIEL GUAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 3, 1997, for work
[done at 168 Rae Avenue.
[APPLICATION NO. 9508428.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President McInerney, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $378.30 for a total of $757.60.

SPEAKERS: The appellant was present but did not speak.

The Board recessed from 6:50 to 6:57 p.m.

Items (6A) and (6B) were heard together

APPEAL NO. 96-046

(6A) JERALD ROBERTS & LINDA KIEFER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April
[9, 1996, to Anthony and Susan
[Chan, permit to Erect a Building
[(three-story single family
[dwelling) at 2168 - 10th Avenue.
[APPLICATION NO. 9501843S.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 96-140

(6B) JERALD ROBERTS & LINDA KIEFER, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Amended determination by the
[Zoning Administrator dated
[September 9, 1996 partially
[granting and partially refusing
[determinations requested of him
[by the appellants that the plans
[approved for the one-family house
[proposed for 2168 - 10th Avenue
[are in violation of eight sections
[of the Planning Code, and that

[he refused to determine that
[inadequate and incorrect facts
[were available to support the
[conditional use authorization
[for the lot split and the appli-
[cant misrepresented facts on which
[the Planning Commission relied
[in allowing the lot split for
[the property at 2150 - 10th Avenue.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **GRANT** the permit with **CONDITIONS** and modified plans; and to **UPHOLD** the Zoning Administrator.

SPEAKERS: Alice Barkley, attorney for property owners; John Sanger, attorney for appellants; Laurence Kornfield, Chief Building Inspector for Department of Building Inspection; and Harold Lewis engineer for permit holder.

APPEAL NO. 96-078

(7) ROGER DODGE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Disapproval on June 10, 1996,
[of permit to Alter a Building
[(legalize building and split
[lot into two equal parcels
[with building easement)
[at 57 Bradford Street.
[APPLICATION NO. 9414405S.
[FOR FURTHER HEARING TODAY.

ACTION: **RESCHEDULED** to **April 23, 1997** to allow time for variance decision to be appealled by the appellant.

Items (8A) and (8B) were heard separately

APPEAL NO. 97-009

(8A) ARTURO RAMIREZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[23, 1997, to Ciaran Scally,
[permit to Erect a Building
[(four live/work units) at
[685 Tennessee Street.
[APPLICATION NO. 9618063.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: None. The appellant did not appear.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, FEBRUARY 26, 1997 (cont'd.)

APPEAL NO. 97-010

(8B) POTRERO BOOSTERS & MERCHANTS ASSOC., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[23, 1997, to Ciaran Scally,
[permit to Erect a Building
[(four live/work units) at
[685 Tennessee Street.
[APPLICATION NO. 9618063.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 1-4 (President Cullum, Vice President McInerney, Commissioners Salgado and Hu dissented) to continue the matter to **March 29, 1997** to allow time for the Planning Commission to meet and consider new live-work unit regulations. Four votes are needed and the motion failed. Then upon motion by Vice President McInerney, the Board voted 4-1 (Commissioner Schwartz dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Richard Millet, appellant; Anna Dominsky, Janet Carpinelli, Jerry Peterson, Joe Boss, in support of appellant; Ciaran Scully, permit holder; Joe O'Donoghue and Alice Barkley, in support of permit holder; Robert Passmore, Zoning Administrator; and Judith Boyajian, Deputy City Attorney.

(9) **PUBLIC HEARING AND CONSIDERATION OF ADDING "PUBLIC COMMENT" AT END OF EACH BOARD CALENDAR.**

ACTION: The Board discussed the matter but no motion was made.

SPEAKER: Edith McMillan.

There being no further business, President Cullum adjourned the meeting at 8:35 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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REGULAR MEETING OF THE BOARD OF APPEALS

WEDNESDAY, MARCH 5, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from Lisa Remmer requesting that the Board take jurisdiction over penalty imposed for work done at 15-17 Alpine Terrace.

Date penalty imposed	August 23, 1995
Last day to appeal	September 7, 1995
Request for jurisdiction	February 7, 1997

APPEAL NO. 96-173

4) TOM P. FOAKES, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on December 3, 1996,
[of Tow Car Operator permit.
[FOR HEARING TODAY.

APPEAL NO. 97-011

5) UNITED TAXICAB WORKERS & MARK GRUBERG, Appellants
vs.
POLICE DEPARTMENT, Respondent

[Protesting issuance on January
[28, 1997, to Nathan Dwiri,
[change of color scheme permit.
[FOR HEARING TODAY.

6) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 97-012

A) H. WESLEY FRANCO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 11, 1997, for work
[done at 1461 - 43rd Avenue.
[APPLICATION NO. 9701378.
[FOR HEARING TODAY.

APPEAL NO. 97-016

B) ERIC CHEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 18, 1997, for work
[done at 2331 - 19th Avenue.
[APPLICATION NO. 9520264.
[FOR HEARING TODAY.

APPEAL NO. 97-014

(7) JULES HAYWOOD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on January 30, 1997,
[of permit to Alter a Building
[(legalize loft as third unit
[in front building) at 760 De
[Haro Street.
[APPLICATION NO. 9602464.
[FOR HEARING TODAY.

APPEAL NO. 97-013

(8) ROBERT S. ROTH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting on February 3,
[1997, to Mark Nelson, permit
[to Alter a Building (seismic
[upgrade foundations, horizon-
[tal addition to master bedroom
[and family room, add study above
[existing two story house) at
[2850 Steiner Street.
[APPLICATION NO. 9616158S.
[FOR HEARING TODAY.

(9) **ANNUAL BUDGET:** Public hearing and consideration for adoption of department budget for Fiscal Year 1997-1998.

(10) Plan reading workshop for the Board presented by Robert Passmore, Zoning Administrator and Laurence Kornfield, Chief Building Inspector.

Date posted: February 27, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
WAYNE JACKSON HU	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

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Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE BOARD OF APPEALS
WEDNESDAY, MARCH 5, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Wayne Hu, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: President Cullum requested that the executive secretary schedule a workshop by the Human Resources Department on personnel matters for 5:30 p.m. on the March 19 calendar.

3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from Lisa Remmer requesting that the Board take jurisdiction over penalty imposed for work done at 15-17 Alpine Terrace.

Date penalty imposed	August 23, 1995
Last day to appeal	September 7, 1995
Request for jurisdiction	February 7, 1997

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 (Commissioner Salgado absent) to **DENY** the request for jurisdiction.

SPEAKERS: Lisa Remmer, requestor; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 96-173

(4) TOM P. FOAKES, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on December 3, 1996,
[of Tow Car Operator permit.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **March 19, 1997** at request of appellant with agreement of the Police Department.

APPEAL NO. 97-011

(5) UNITED TAXICAB WORKERS & MARK GRUBERG, Appellants
vs.
POLICE DEPARTMENT, Respondent

[Protesting issuance on January
[28, 1997, to Nathan Dwiri,
[change of color scheme permit.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **March 19, 1997** at request of the Police Department with agreement of the parties.

(6) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

APPEAL NO. 97-012

(A) H. WESLEY FRANCO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 11, 1997, for work
[done at 1461 - 43rd Avenue.
[APPLICATION NO. 9701378.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $215.80 for a total of $431.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-016

(B) ERIC CHEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 18, 1997, for work
[done at 2331 - 19th Avenue.
[APPLICATION NO. 9520264.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President McInerney, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $215.80 for a total of $431.60.

SPEAKERS: The appellant was present but did not speak.

Commissioner Salgado arrived at 6:35 p.m.

APPEAL NO. 97-014

(7) JULES HAYWOOD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on January 30, 1997,
[of permit to Alter a Building
[(legalize loft as third unit
[in front building) at 760 De
[Haro Street.
[APPLICATION NO. 9602464.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Hu, the Board voted 5-0 to **OVERRULE** the departments and to grant the permit legalizing the third and fourth unit with a **CONDITION**. Commissioner Hu then stated findings to support the decision and again the Board voted 5-0 to adopt the findings to support the first motion. Then after discussion of a amendment to the **CONDITION** the Board voted 5-0 to adopt amended **CONDITION** and **FINDINGS** to **OVERRULE** the departments and legalize the third and fourth units on **CONDITION** the appellant work with Planning to supply another parking space, if possible without the need for a variance.

SPEAKERS: Mary Gallagher, Planner for the Planning Department; James Hutchinson, Chief Building Inspector for the Department of Building Inspection; Jules Hayward, appellant; and William Walters, architect for appellant.

APPEAL NO. 97-013

(8) ROBERT S. ROTH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting on February 3,
[1997, to Mark Nelson, permit
[to Alter a Building (seismic
[upgrade foundations, horizon-
[tal addition to master bedroom
[and family room, add study above
[existing two story house) at
[2850 Steiner Street.
[APPLICATION NO. 9616158S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Robert Roth, appellant; and Mark Nelson, permit holder.

The Board recessed from 7:25 to 7:30 p.m.

(9) **ANNUAL BUDGET:** Public hearing and consideration for adoption of department budget for Fiscal Year 1997-1998.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 5-0 to **ADOPT** the budget.

SPEAKERS: No speakers from the audience.

(10) Plan reading workshop for the Board presented by Robert Passmore, Zoning Administrator and Laurence Kornfield, Chief Building Inspector.

ACTION: Laurence Kornfield and Robert Passmore used an overhead projector to explain how to read plans and how they are processed.

SPEAKERS: No speakers from the audience.

There being no further business, President Cullum adjourned the meeting at 8:25 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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REGULAR MEETING OF THE BOARD OF APPEALS

WEDNESDAY, MARCH 19, 1997

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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SPECIAL ORDER AT 5:30 P.M.

1) **PRESENTATION:** Presentation by a representative of the Department of Human Resources on performance goals and measurable objectives for staff evaluations by the Board.

he regular meeting shall begin at 6:00 p.m.

2) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

3) **COMMISSIONERS COMMENTS AND QUESTIONS.**

4) **REQUEST FOR JURISDICTION:** Letter from Nam Doan requesting that the Board take jurisdiction over revocation of the massage establishment permit for the Thailand Health Spa at 931 Kearny Street for failure to pay the license fee.

Date of revocation	October 17, 1996
Last day to appeal	November 1, 1996
Request for jurisdiction	February 26, 1997

APPEAL NO. 96-173

5) TOM P. FOAKES, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on December 3, 1996,
[of Tow Car Operator permit.
[FOR HEARING TODAY.

APPEAL NO. 97-011

6) UNITED TAXICAB WORKERS & MARK GRUBERG, Appellants
vs.
POLICE DEPARTMENT, Respondent

[Protesting issuance on January
[28, 1997, to Nathan Dwiri,
[change of color scheme permit.
[FOR HEARING TODAY.

APPEAL NO. 97-019

7) ANGELITO L. PEREZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on February 20, 1997,
[for work done at 2614 San
[Jose Avenue.
[APPLICATION NO. 9701612.
[FOR HEARING TODAY.

APPEAL NO. 97-017

8) THOMAS LOMBARDO & THOMAS ROSS, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on February
[3, 1997, to Jay Gifford and
[William Holt, permit to remove
[and replace one tree in front
[of 2226 - 15th Street.
[ORDER NO. 170,220.
[FOR HEARING TODAY.

APPEAL NO. 97-015

(9) POTRERO BOOSTERS & MERCHANTS ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January [30, 1997, to Missouri Street [Associates, permit to Erect a [Building (12 live/work lofts) [at 49 Missouri Street. [APPLICATION NO. 9619826P. [FOR HEARING TODAY.

APPEAL NO. 97-018

(10) SHAFTER AVE. NEIGHBORHOOD ASSN., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February [6, 1997, to Willard Lee, permit [to Alter a Building (horizontal [extension adding bedroom, study, [and bath; and family room in [basement on ground floor) at [1327 Shafter Avenue. [APPLICATION NO. 9614970S. [FOR HEARING TODAY.

APPEAL NO. 97-024

(11) JOE M. WINTERS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January [24, 1997, to John Lyddon, permit [to Alter a Building (vertical [addition of four live/work units [over an existing two story live/ [work building) at 731 Florida [Street. [APPLICATION NO. 9601807S. [FOR HEARING TODAY.

Date posted: March 13, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
WAYNE JACKSON HU	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

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In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

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REQUESTS FOR REHEARING

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Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE BOARD OF APPEALS
WEDNESDAY, MARCH 19, 1997
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Wayne Hu, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

SPECIAL ORDER AT 5:30 P.M.

(1) **PRESENTATION:** Presentation by Anne Godfrey of the Department of Human Resources on performance goals and measurable objectives for staff evaluations by the Board.

The Board recessed from 5:54 to 6:01 p.m. The regular meeting began at 6:01 p.m.

(2) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(3) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: President Cullum requested that the next meeting begin at 5:30 p.m. for Appeal No. 97-023, 3118 - 18th Street. Then upon motion by President Cullum, the Board voted 5-0 to direct staff to set Appeal No. 97-023 as Special Order for 5:30 p.m. next week to insure a quorum of the Board.

(4) **REQUEST FOR JURISDICTION:** Letter from Nam Doan requesting that the Board take jurisdiction over revocation of the massage establishment permit for the Thailand Health Spa at 931 Kearny Street for failure to pay the license fee.

Date of revocation	October 17, 1996
Last day to appeal	November 1, 1996
Request for jurisdiction	February 26, 1997

ACTION: **WITHDRAWN** by letter dated March 19, 1997 prior to hearing.

APPEAL NO. 96-173

(5) TOM P. FOAKES, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on December 3, 1996,
[of Tow Car Operator permit.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by letter dated March 19, 1997 prior to hearing.

APPEAL NO. 97-011

(6) UNITED TAXICAB WORKERS & MARK GRUBERG, Appellants
vs.
POLICE DEPARTMENT, Respondent

[Protesting issuance on January
[28, 1997, to Nathan Dwiri,
[change of color scheme permit.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-1 (Commissioner Salgado dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Mark Gruberg, appellant; Bill Mouncey, Dan Moriarty, Ruah Graffis and James Bartlett, in support of appellant; Officer Farrell Suslow for S.F.P.D; and Nathan Dwiri, permit holder.

APPEAL NO. 97-019

(7) ANGELITO L. PEREZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on February 20, 1997,
[for work done at 2614 San
[Jose Avenue.
[APPLICATION NO. 9701612.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-017

(8) THOMAS LOMBARDO & THOMAS ROSS, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on February
[3, 1997, to Jay Gifford and
[William Holt, permit to remove
[and replace one tree in front
[of 2226 - 15th Street.
[ORDER NO. 170,220.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by letter dated March 18, 1997 prior to hearing.

The Board recessed from 7:15 to 7:30 p.m. The court reporter swore in those who had arrived after the earlier swearing in.

APPEAL NO. 97-015

(9) POTRERO BOOSTERS & MERCHANTS ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January [30, 1997, to Missouri Street [Associates, permit to Erect a [Building (12 live/work lofts) [at 49 Missouri Street. [APPLICATION NO. 9619826P. [FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hu, the Board voted 4-0 to **RECUSE** Vice President McInerney because his firm represents the permit holder on other matters. Then after discussion, upon motion by Commissioner Hu, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit on **CONDITION** that the permit holder advertise the units as artist live/work spaces.

SPEAKERS: Alice Barkley, attorney for permit holder; Richard Millet, Jerry Peterson and Sandra Peterson, appellants; Janet Carpinelli, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; and Joe O'Donoghue, in support of permit holder.

Vice President McInerney left the dais at 7:31 p.m. before testimony on Appeal No. 97-015. The Board recessed from 8:45 to 8:58 p.m. after the hearing on Appeal No. 97-015. Vice President McInerney returned to the dais at 8:46 p.m.

APPEAL NO. 97-018

(10) SHAFTER AVE. NEIGHBORHOOD ASSN., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February [6, 1997, to Willard Lee, permit [to Alter a Building (horizontal [extension adding bedroom, study, [and bath; and family room in [basement on ground floor) at [1327 Shafter Avenue. [APPLICATION NO. 9614970S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Johnny Rogers and Gregory Jackson, appellants; Willard Lee Chin, permit holder; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 97-024

JOE M. WINTERS, Appellant
(11) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January [24, 1997, to John Lyddon, permit [to Alter a Building (vertical [addition of four live/work units [over an existing two story live/ [work building) at 731 Florida [Street.
[APPLICATION NO. 9601807S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the permit holder shall retain the services of a structural engineer to review the wall along the property line and shall act on the engineer's recommendations for alterations to insure the safety of the appellant's property.

SPEAKERS: Joe M. Winters, appellant; and John Lyddon, permit holder.

There being no further business, President Cullum adjourned the meeting at 9:33 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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3/26/97

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MARCH 26, 1997

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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PECIAL ORDER AT 5:30 P.M.

APPEAL NO. 97-023

1) DEVELOPING ENVIRONMENTS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[13, 1997, to Charles Romeo,
[permit to Erect a Building
[(nine live/work units) at
[3118 - 18th Street.
[APPLICATION NO. 9615047S.
[FOR HEARING TODAY.

he regular meeting shall begin at 6:00 p.m.

2) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

3) **COMMISSIONERS COMMENTS AND QUESTIONS**.

4) **REQUEST FOR REHEARING**: Letter from John M. Sanger, attorney for Linda Kiefer, appellant requesting rehearing of Appeal Nos. 96-046 and 96-140, 2168 - 10th Avenue. Hearing February 25, 1997. Upon motion by Vice President McInerney, the Board voted to **GRANT** the permit with conditions and modified plans; and **UPHOLD** the Zoning Administrator's determination.

5) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 97-021

A) KATHLEEN J. HOHALEK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 25, 1997, for work
[done at 2321-2323 Bryant Street.
[APPLICATION NO. 9702398.
[FOR HEARING TODAY.

APPEAL NO. 97-025

B) FRANCO R. LUCCHESI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 28, 1997, for work
[done at 204 Madrid Street.
[APPLICATION NO. 9702602.
[FOR HEARING TODAY.

APPEAL NO. 97-028

C) JAMES M. WU, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on March 5, 1997, for
[work done at 74 Seneca Avenue.
[APPLICATION NO. 9620554.
[FOR HEARING TODAY.

APPEAL NO. 97-020

(6) NICHOLAS PASQUARIELLO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[11, 1997, to Edward Litke, permit
[to Demolish a Building (vacant
[warehouse) at 3620 - 19th Street.
[APPLICATION NO. 9702474.
[FOR HEARING TODAY.

APPEAL NO. 97-026

(7) DAGMAR OLSON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[20, 1997, to Michael C. Mead,
[permit to Alter a Building
[(entry hall addition) at
[55 Belmont Avenue.
[APPLICATION NO. 9221595
[FOR HEARING TODAY.

Date posted: March 20, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
WAYNE JACKSON HU	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

Jennifer Schuler
CITYWATCH-Ch. 54
Main Public Library

(2)

Minutes

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MARCH 26, 1997

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Wayne Hu, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

SPECIAL ORDER AT 5:30 P.M.

APPEAL NO. 97-023

(1) DEVELOPING ENVIRONMENTS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[13, 1997, to Charles Romeo,
[permit to Erect a Building
[(nine live/work units) at
[3118 - 18th Street.
[APPLICATION NO. 9615047S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hu, the Board voted 4-0 to **RECUSE** Vice President McInerney because of conflict of interest. Vice President McInerney left the dais before testimony. Then upon motion by Commissioner Schwartz, the Board voted 2-2 (Commissioners Hu and Salgado dissented) to overrule the department and deny the permit with findings. Four votes are needed and the motion failed. The permit is **UPHELD**.

SPEAKERS: Debra Walker, appellant; Sandra Ardito, Judith West, Moise Cohen, Christian Degan, Leo Germano, Nancy Botman, Victor Bitlin, Sue Hestor, attorney for Citizens for Honest Live/Work, in support of appellant; Mary Gallagher, Planner for the Planning Department; Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Douglas Sands, attorney for permit holder; and Joe O'Donoghue, in support of permit holder.

The Board recessed from 6:32 to 6:41 p.m. Vice President McInerney returned to the dais at 7:20 p.m. and Commissioner Salgado left the hearing room at 7:20 p.m. because of a previous commitment.

(2) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(3) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: Vice President McInerney asked that the Rules be amended to enforce the readibility of submittals and to allow only one brief from appellants. He also requested that draft changes be prepared for his review and that the matter be calendared for May 14, 1997.

Commissioner Schwartz requested that reduced plans be large enough to read the dimensions and measurements.

(4) **REQUEST FOR REHEARING:** Letter from John M. Sanger, attorney for Linda Kiefer, appellant requesting rehearing of Appeal Nos. 96-046 and 96-140, 2168 - 10th Avenue. Hearing February 25, 1997. Upon motion by Vice President McInerney, the Board voted to **GRANT** the permit with conditions and modified plans; and **UPHOLD** the Zoning Administrator's determination.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **DENY** the request for rehearing.

SPEAKER: Gary Gee, architect for permit holder. The attorney for appellant did not appear.

(5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

APPEAL NO. 97-021

(A) KATHLEEN J. HOHALEK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 25, 1997, for work
[done at 2321-2323 Bryant Street.
[APPLICATION NO. 9702398.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hu, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $410.80 for a total of $821.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-025

FRANCO R. LUCCHESI, Appellant
(B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 28, 1997, for work
[done at 204 Madrid Street.
[APPLICATION NO. 9702602.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hu, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-028

JAMES M. WU, Appellant
(C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on March 5, 1997, for
[work done at 74 Seneca Avenue.
[APPLICATION NO. 9620554.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hu, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $167.05 for a total of $334.10.

SPEAKERS: The appellant was present but did not speak.

The Board recessed from 8:06 to 8:15 p.m.

APPEAL NO. 97-020

NICHOLAS PASQUARIELLO, Appellant
(6) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[11, 1997, to Edward Litke, permit
[to Demolish a Building (vacant
[warehouse) at 3620 - 19th Street.
[APPLICATION NO. 9702474.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Hu, the Board voted 4-0 to **DENY** the request for continuance from the permit holder. The Executive Secretary polled the Commissioners on whether they had reviewed and considered the Negative Declaration and the memo of the Environmental Review Officer dated March 19, 1997; all answered aye. Then after testimony, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS** as modified and with Prop M findings as set forth in the Zoning Administrator's letter dated March 21, 1997.

SPEAKERS: Bevan Dufty, Mayor's Office; Nicholas Pasquariello, appellant; Harry Litke, agent for permit holder; Roberta Caravelli, Russell Charpentier, Don Bennett, Leslie Chin, Tisha Kenny, Cynthia Arnold, Michael Schaumburg,

in support of appellant; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 97-026

(7) DAGMAR OLSON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February [20, 1997, to Michael C. Mead, [permit to Alter a Building [(entry hall addition) at [55 Belmont Avenue. [APPLICATION NO. 9221595 [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the extension of the passageway shall be no less than 7'6" above the driveway.

SPEAKERS: Dagmar Olson, appellant; Jeremy Paul, agent for appellant; Robert Passmore, Zoning Administrator for the Planning Department; Michael and Jan Mead, permit holders; Edwina Leggett, in support of appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

There being no further business, President Cullum adjourned the meeting at 9:37 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 16, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) REQUEST FOR REHEARING: Letter from Debra Walker, appellant, requesting rehearing of Appeal No. 97-023 for property at 3118 18th Street decided on March 26, 1997. On motion by Commissioner Schwartz to deny the permit, Board voted 2-2 and permit was UPHELD. Vice President McInerney was recused.

(3) REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD: Letter from Dori Bailey, Mel Bailey, Angelica Liebmann and Don Harbert requesting that the Board take jurisdiction over permits issued to Johnson Wong to erect three-story, single-family dwellings at 218, 228 and 238 Bepler Street (Building Permit Application Nos. 8820557, 8820558, 8820560).

Date issued	January 23, 1996
Appeal period ended	February 7, 1996
Request for jurisdiction	March 11, 1997

(4) **ADOPTION OF FINDINGS:** Appeal Nos. 96-046 and 96-140, 2168 - 10th Avenue. Hearing February 25, 1997. Upon motion by Vice President McInerney, the Board voted to **GRANT** the permit with conditions and modified plans; and **UPHOLD** the Zoning Administrator's determination. Request for rehearing denied March 26, 1997.

(5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 97-030

(A) C.R. REICHEL ENGINEERING, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on March 12, 1997, for
[work done at 609 Sutter Street.
[PLUMBING PERMIT NO. P-351971.
[FOR HEARING TODAY.

APPEAL NO. 97-032

(B) ROSA PEDROZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[March 12, 1997, for work
[done at 1043-1045 Hampshire
[Street.
[APPLICATION NO. 9702993.
[FOR HEARING TODAY.

APPEAL NO. 97-033

(C) NEIL T. LAUGHLIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on March 17, 1997, for
[work done at 1779 McKinnon Ave.
[APPLICATION NO. 9311579.
[FOR HEARING TODAY.

APPEAL NO. 96-023

MIRIAM MALDONADO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 29, 1996,
[of permit to Alter a Building
[(legalize existing in-law apart-
[ment; install new kitchen cabinets
[and new bathroom fixtures; repair
[walls and ceiling by placing
[new overlay of ½" gypsum board)
[at 60 Vienna Street.
[APPLICATION NO. 9514150S.
[FOR HEARING TODAY.

APPEAL NO. 96-177

MARILYN WALDMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

RESCHEDULED TO
June 11, 1997

[Protesting issuance on December
[10, 1996, to Henry and Alda Pineda,
[permit to Alter a Building (repair
[dry rot on deck) at 316 Chestnut
[Street.
[APPLICATION NO. 9623679.
[FOR HEARING TODAY.

APPEAL NO. 97-029

JULIE K. DANIELS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[24, 1997, to John and Marcia
[Traversaro, permit to Alter a
[Building (add deck to rear of
[first floor and stairs from deck
[to rear yard) at 2514 Lake Street.
[APPLICATION NO. 9616261.
[FOR HEARING TODAY.

APPEAL NO. 97-040

FRANCIS A. BASA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 13,
[1997, to Sago Realty Trust, permit
[to Demolish a Building (martial
[arts studio) at 1625 Pacific Ave.
[APPLICATION NO. 9505671.
[FOR HEARING TODAY.

10) Commissioners questions and comments.

ate posted: April 10, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
WAYNE JACKSON HU	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

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Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, APRIL 16, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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RESENT: President Carole Cullum, Vice President John McInerney, Commissioners Wayne Hu, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

ae J. Chu, the Official Court Reporter, swore in all those who intended to testify during he meeting.

1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

2) **COMMISSIONERS QUESTIONS AND COMMENTS:** President Cullum read a letter of thanks from M.C. Schaumburg.

3) **REQUEST FOR REHEARING:** Letter from Debra Walker, appellant, requesting rehearing of Appeal No. 97-023 for property at 3118 - 18th Street decided on March 26, 1997. On motion by Commissioner Schwartz to deny the permit, Board voted 2-2 and permit was **UPHELD**. Vice President was recused.

ACTION: Upon motion by Commissioner Hu, the Board voted 4-0 to **RECUSE** Vice President McInerney because his firm represents the permit holder. Then after discussion, upon motion by Commissioner Schwartz, the Board voted 3-1 (Commissioner Hu dissented) to grant the request for rehearing. Four votes are needed and the motion failed. The request is **DENIED**.

SPEAKERS: Sue Hestor, attorney for Citizens for Honest Live/Work; Douglas Sands, attorney for permit holder; and Robert Passmore, Zoning Administrator for the Planning Department.

Vice President McInerney left the dais at 6:14 and returned at 6:32 p.m.

(4) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from Dori Bailey, Mel Bailey, Angelica Liebmann and Don Harbert requesting that the Board take jurisdiction over permits issued to Johnson Wong to erect three-story, single-family dwellings at 218, 228 and 238 Bepler Street (Building Permit Application Nos. 8820557, 8820558, 8820560).

Date issued	January 23, 1996
Appeal period ended	February 7, 1996
Request for jurisdiction	March 11, 1997

ACTION: After discussion, upon motion by Commissioner Hu, the Board voted 5-0 to **CONTINUE** the matter to **April 23, 1997** to allow departments to check for compliance with conditions.

SPEAKERS: Mel Bailey, Angelica Liebmann, requestors; Johnson Wong, permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Judith Boyajian, Deputy City Attorney.

(5) **ADOPTION OF FINDINGS:** Appeal Nos. 96-046 and 96-140, 2168 - 10th Avenue. Hearing February 25, 1997. Upon motion by Vice President McInerney, the Board voted to **GRANT** the permit with conditions and modified plans; and **UPHOLD** the Zoning Administrator's determination. Request for rehearing denied March 26, 1997.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **ADOPT** findings and conditions as submitted.

(6) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board heard testimony and then decided the appeal individually.

APPEAL NO. 97-030

(A) C.R. REICHEL ENGINEERING, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on March 12, 1997, for
[work done at 609 Sutter Street.
[PLUMBING PERMIT NO. P-351971.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 5-0 to **SUSTAIN** the penalty.

SPEAKERS: Carlos Milan, agent for appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

...order to minimize delay to those in attendance for appeals.

APPEAL NO. 97-032

B) ROSA PEDROZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[March 12, 1997, for work
[done at 1043-1045 Hampshire
[Street.
[APPLICATION NO. 9702993.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDTION** that the penalty be reduced to two times the regular fee of $215.80 for a total of $431.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-033

C) NEIL T. LAUGHLIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on March 17, 1997, for
[work done at 1779 McKinnon Ave.
[APPLICATION NO. 9311579.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $102.05 for a total of $204.10.

SPEAKERS: The appellant was present but did not speak.

he Board recessed from 6:58 to 7:15 p.m.

APPEAL NO. 96-023

7) MIRIAM MALDONADO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 29, 1996,
[of permit to Alter a Building
[(legalize existing in-law apart-
[ment; install new kitchen cabinets
[and new bathroom fixtures; repair
[walls and ceiling by placing
[new overlay of ½" gypsum board)
[at 60 Vienna Street.
[APPLICATION NO. 9514150S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **CONTINUE** the matter to **April 22, 1998** to allow time for legislation to be enacted that would provide a process of legalization of illegal units in RH-1 districts.

SPEAKER: Robert Passmore, Zoning Administrator for the Planning Department. The appellant did not appear.

APPEAL NO. 96-177

(8) MARILYN WALDMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on December
[10, 1996, to Henry and Alda Pineda,
[permit to Alter a Building (repair
[dry rot on deck) at 316 Chestnut
[Street.
[APPLICATION NO. 9623679.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing at the request of parties to allow time for settlement.

APPEAL NO. 97-029

(9) JULIE K. DANIELS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[24, 1997, to John and Marcia
[Traversaro, permit to Alter a
[Building (add deck to rear of
[first floor and stairs from deck
[to rear yard) at 2514 Lake Street.
[APPLICATION NO. 9616261.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Julie Daniels, appellant; Robert Passmore, Zoning Administrator for the Planning Department; Pamela and Lonny Schiller, appellant's tenants; John and Marcia Traversaro, permit holders; and Mr. Daniels, appellant's husband.

APPEAL NO. 97-040

(10) FRANCIS A. BASA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 13,
[1997, to Sago Realty Trust, permit
[to Demolish a Building (martial
[arts studio) at 1625 Pacific Ave.
[APPLICATION NO. 9505671.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 4-0 to **RECUSE** Vice President McInerney because of conflict of interest. Vice President McInerney left the dais at 8:00 p.m. Then after testimony, upon motion by Commissioner Salgado, the Board voted 4-0 to **CONTINUE** the matter to **April 23, 1997** for review and consideration of the Negative Declaration and vote.

SPEAKERS: Frank Basa, appellant; Ed Palmer, in support of appeal; Robert Passmore, Zoning Administrator for the Planning Department; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Alice Barkley, attorney for permit holder.

...order to minimize delay to those in attendance for appeals.

There being no further business, President Cullum adjourned the meeting at 8:30 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, APRIL 23, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Dori Bailey, Mel Bailey, Angelica Liebmann and Don Harbert requesting that the Board take jurisdiction over permits issued to Johnson Wong to erect three-story, single-family dwellings at 218, 228 and 238 Bepler Street (Building Permit Application Nos. 8820557, 8820558, 8820560).

Continued from April 16, 1997 to allow departments to check for compliance with conditions.

Date issued	January 23, 1996
Appeal period ended	February 7, 1996
Request for jurisdiction	March 11, 1997

ITEM B: Letter from Sal Balistreri requesting that the Board take jurisdiction over Building Permit Application No. 962473C issued to Central City Auto Body & Paint to erect a sign at 629-A Bryant Street.

Date issued	December 27, 1996
Last day to appeal	January 13, 1997
Request for jurisdiction	February 26, 1997

APPEAL NO. 97-040

4) FRANCIS A. BASA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 13, [1997, to Sago Realty Trust, permit [to Demolish a Building (martial [arts studio) at 1625 Pacific Ave. [APPLICATION NO. 9505671. [FOR CONSIDERATION TODAY OF EN- [VIRONMENTAL DOCUMENT AND FINAL [VOTE. PUBLIC HEARING HELD AND [CLOSED APRIL 16, 1997.

5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 97-022

A) PATRICK DWAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on [February 25, 1997, for [work done at 65 Henry Street. [APPLICATION NO. 9613142. [FOR HEARING TODAY.

APPEAL NO. 97-035

(B) STARLITE ELECTRIC COMPANY, Respondent
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on March 21, 1997, for
[work done at 1255 Post Street.
[ELECTRICAL PERMIT NO. E164064.
[FOR HEARING TODAY.

APPEAL NO. 97-036

(C) ANNIE CHEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[March 20, 1997, for work
[done at 401 Felton Street.
[APPLICATION NO. 9623498.
[FOR HEARING TODAY.

APPEAL NO. 97-039

(D) MARIA BERTA ROSALES, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[March 24, 1997, for work
[done at 171 Precita Street.
[APPLICATION NO. 9602167.
[FOR HEARING TODAY.

APPEAL NO. 97-031

(6) PUBLIC STORAGE, INC., Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination on March 5, 1997,
[that the proposed exterior sign-
[age on the building at 611 Second
[Street, a Contributory Building
[within the South End Historic
[District, cannot be approved until
[a Certificate of Appropriateness
[has been approved by the Planning
[Commission.
[FOR HEARING TODAY.

Date posted: April 17, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
WAYNE JACKSON HU	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
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San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, APRIL 23, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
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RESENT: President Carole Cullum, Vice President John McInerney, Commissioners Wayne Hu, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

ae J. Chu, the Official Court Reporter, swore in all those who intended to testify during he meeting.

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SPEAKERS: None.

2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: Vice President McInerney asked the Executive Secretary when the rule amendments are scheduled to be considered and was told May 14, 1997.

3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Dori Bailey, Mel Bailey, Angelica Liebmann and Don Harbert requesting that the Board take jurisdiction over permits issued to Johnson Wong to erect three-story, single-family dwellings at 218, 228 and 238 Bepler Street (Building Permit Application Nos. 8820557, 8820558, 8820560).

Continued from April 16, 1997 to allow departments to check for compliance with conditions.

Date issued	January 23, 1996
Appeal period ended	February 7, 1996
Request for jurisdiction	March 11, 1997

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 (Commissioner Salgado absent) to **DENY** the request for jurisdiction with the agreement of the parties that the Department of Building Inspection will incorporate their agreement with the permit file and that no Certificate of Occupancy shall be issued until the conditions are met.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Mel Bailey and Angelica Liebman, requestors; and Johnson Wong, permit holder.

ITEM B: Letter from Sal Balistreri requesting that the Board take jurisdiction over Building Permit Application No. 9624730 issued to Central City Auto Body & Paint to erect a sign at 629-A Bryant Street.

Date issued	December 27, 1996
Last day to appeal	January 13, 1997
Request for jurisdiction	February 26, 1997

ACTION: **WITHDRAWN** by requestor prior to hearing.

APPEAL NO. 97-040

(4) FRANCIS A. BASA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 13, [1997, to Sago Realty Trust, permit [to Demolish a Building (martial [arts studio) at 1625 Pacific Ave. [APPLICATION NO. 9505671. [FOR CONSIDERATION TODAY OF EN-[VIRONMENTAL DOCUMENTS AND FINAL [VOTE. PUBLIC HEARING HELD AND [CLOSED APRIL 16, 1997.

ACTION: The Executive Secretary polled the Commissioners on whether they had reviewed and considered the Negative Declaration and two letters from the Environmental Review Officer; all answered aye. Then upon motion by Commissioner Hu, the Board voted 4-0 (Vice President McInerney recused) to **UPHOLD** the department and **GRANT** the permit with findings.

SPEAKERS: The parties were present but did not speak.

(5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection on Item D the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board heard testimony and then decided Items A, B and C individually.

APPEAL NO. 97-022

A) PATRICK DWAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 25, 1997, for
[work done at 65 Henry Street.
[APPLICATION NO. 9613142.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 (Commissioner Salgado absent) to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Patrick Dwan, appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 97-035

B) STARLITE ELECTRIC COMPANY,
Respondent
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on March 21, 1997, for
[work done at 1255 Post Street.
[ELECTRICAL PERMIT NO. E164064.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Hu, the Board voted 4-0 (Commissioner Salgado absent) to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Ann Fok, agent for appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 97-036

C) ANNIE CHEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[March 20, 1997, for work
[done at 401 Felton Street.
[APPLICATION NO. 9623498.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Hu, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to four times the regular fee of $85.15 for a total of $340.60.

SPEAKERS: Annie Chen, appellant; Alice Barkley translated for appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 97-039

D) MARIA BERTA ROSALES, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[March 24, 1997, for work
[done at 171 Precita Street.
[APPLICATION NO. 9602167.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $118.30 for a total of $236.60.

SPEAKERS: The appellant was present but did not speak.

Commissioner Salgado arrived at 6:55 p.m.

APPEAL NO. 97-031

(6) PUBLIC STORAGE, INC., Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination on March 5, 1997, [that the proposed exterior sign-[age on the building at 611 Second [Street, a Contributory Building [within the South End Historic [District, cannot be approved until [a Certificate of Appropriateness [has been approved by the Planning [Commission.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-1 (Commissioner Schwartz dissented) to **UPHOLD** the Zoning Administrator with **CONDITIONS**: (1) Appellant may paint out the existing signs in the existing identical green color; or (2) may paint out the signs except for the telephone number, in the identical green color; and (3) must remove the fresh paint from the lower level of the building which was applied without proper approval, or may apply within sixty days for a permit to legalize the paint; and (4) may seek a permit to sandblast signs entirely off the building.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; and Gary Weisberg, attorney for appellant.

There being no further business, President Cullum adjourned the meeting at 7:53 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

w Agenda

WEDNESDAY, MAY 14, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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4/97

PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

COMMISSIONERS COMMENTS AND QUESTIONS.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Bill Stovall, requesting that the Board take jurisdiction over Building Permit Application No. 9602396S issued to Robert Pritikin to erect a two-story, two-family dwelling at 1726 Dolores Street.

Dated issued	October 25, 1996
Last day to appeal	November 12, 1996
Request for jurisdiction	April 11, 1997

REQUEST FOR REHEARING:

ITEM B: Letter from William Lee, appellant, requesting rehearing of Appeal No. 97-035, 1255 Post Street. Hearing April 23, 1997. Upon motion by Commissioner Hu, the Board voted 4-0 (Commissioner Salgado absent) to **UPHOLD** the department and **SUSTAIN** the penalty.

CONSENT ITEMS: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 97-049

JAMES G. TOM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on March
[31, 1997, for work done at
[1403-1407 Golden Gate Avenue.
[APPLICATION NO. 9608168.
[FOR HEARING TODAY.

APPEAL NO. 97-054

BENJAMIN ABARCA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on April 16, 1997,
[for work done at 1459 Oak Street.
[APPLICATION NO. 9706107.
[FOR HEARING TODAY.

APPEAL NO. 97-056

JESUS GOMEZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition Penalty on April
[April 8, 1997, for work done
[at 918 Moscow Street.
[APPLICATION NO. 9702996.
[FOR HEARING TODAY.

APPEAL NO. 97-057

(D) BICK Y. LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on April
[April 23, 1997, for work done
[at 1233 Holloway Avenue.
[APPLICATION NO. 9612833.
[FOR HEARING TODAY.

APPEAL NO. 97-043

(5) OUTDOOR SYSTEMS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on March 11, 1997, of
[permit to Alter a Building
[(replace rooftop general adver-
[tising sign) at 275 Post Street.
[APPLICATION NO. 9613693.
[FOR HEARING TODAY.

APPEAL NO. 97-044

(6) STEPHEN M. WILLIAMS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 12,
[1997, to Ashbourne Construction,
[permit to Erect a Building (four
[story, three unit dwelling) at
[2617 Sutter Street.
[APPLICATION NO. 9509062S.
[FOR HEARING TODAY.

APPEAL NO. 97-042

(7) DARLENE CRISP, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated March 12,
[1997, that food distribution
[from Holiness Temple in Christ
[at 1584-98 Church Street is
[considered accessory to a prin-
[cipal permitted use which does
[not require conditional use
[authorization.
[FOR HEARING TODAY.

(8) **AMENDMENT TO RULES OF BOARD OF APPEALS:** Public hearing and consideration of adoption of amendments to various sections of the Board's Rules regarding the submittal of written materials by parties to appeals as requested by the Vice President of the Board.

Article I, Sections 5 and 6: Deletion of language regarding submittals.
Article V, Section 2: Addition of (d) through (h) on submittals.

Copies of Proposed Amendments are available at the Board office.

Date posted: May 8, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
WAYNE JACKSON HU	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

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In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

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REQUESTS FOR REHEARING

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ACCESSIBILITY INFORMATION

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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LOBBYING ACTIVITY

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

Jennifer Schuler
CITYWATCH-Ch. 54
Main Public Library

MAY 14, 1997

TONIGHT'S HEARING HAS BEEN

CANCELLED

DUE TO LACK OF QUORUM

CALL THE BOARD OFFICE AT 554-6720

FOR NEW SCHEDULE FOR APPEALS

(TWO COMMISSIONERS ARE UNABLE TO ATTEND BECAUSE OF ILLNESS)

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MAY 21, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

DOCUMENTS DEPT.
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PUBLIC LIBRARY

(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from Steven L. Costa, attorney for Horace Diamonon, Jr., requesting that the Board take jurisdiction over denial of a health permit referral for a karaoke lounge with amplified entertainment at 100 - 6th Street.

Date denied	April 1, 1997
Appeal period ended	April 16, 1997
Request for jurisdiction	May 12, 1997

APPEAL NO. 95-013

S.F. BEAUTIFUL, THE WESTIN ST. FRANCIS HOTEL, et al., Appellants
(4) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on [January 25, 1995, to Patrick [Media Group, permit to Erect [a Sign (replacement of electric [single faced roof sign) at [200 - 212 Stockton Street. [ORDINANCE NO. 134-97 SIGNED BY [MAYOR APRIL 25, 1997 PROHIBITS [APPROVAL OF ROOFTOP BILLBOARDS [NEAR UNION SQUARE. [APPLICATION NO. 9415698. [FOR FURTHER HEARING TODAY.

APPEAL NO. 95-012

S.F. BEAUTIFUL, FOUNDATION FOR S.F. ARCHITECTURAL HERITAGE, S.F. TOMORROW, Appellants
(5) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting reissuance on [January 17, 1995, to Louis F. [Snyder, permit to Erect a Sign [(rooftop Sony Videotron) [at 216 Stockton Street. [ORDINANCE NO. 134-97 SIGNED BY [MAYOR APRIL 25, 1997 PROHIBITS [APPROVAL OF ROOFTOP BILLBOARDS [NEAR UNION SQUARE. [APPLICATION NO. 9413943. [FOR REHEARING TODAY.

Items (6A), (6B) and (6C) shall be heard together

APPEAL NO. 97-038

WILLIAM FRICK & JUDITH GANNON, Appellants
(6A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 14, [1997, to Robert and Sin Yin Yue, [permit to Alter a Building [(horizontal and vertical addition [consisting of three bedrooms, [two baths, extend rear to expand [living/dining room and add ex- [terior decks) at 846-848 North [Point Street. [APPLICATION NO. 9117981S. [FOR HEARING TODAY.

APPEAL NO. 97-041

(6B) THOMAS HOWARD & MARIE HOWARD, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 14, [1997, to Robert and Sin Yin Yue, [permit to Alter a Building [(horizontal and vertical addition [consisting of three bedrooms, [two baths, extend rear to expand [living/dining room and add ex- [terior decks) at 846-848 North [Point Street. [APPLICATION NO. 9117981S. [FOR HEARING TODAY.

APPEAL NO. 97-047

(6C) 830-34 BAY ST. HOMEOWNERS ASSN., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 14, [1997, to Robert and Sin Yin Yue, [permit to Alter a Building [(horizontal and vertical addition [consisting of three bedrooms, [two baths, extend rear to expand [living/dining room and add ex- [terior decks) at 846-848 North [Point Street. [APPLICATION NO. 9117981S. [FOR HEARING TODAY.

APPEAL NO. 97-044

(7) STEPHEN M. WILLIAMS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 12, [1997, to Ashbourne Construction, [permit to Erect a Building (four [story, three unit dwelling) at [2617 Sutter Street. [APPLICATION NO. 9509062S. [FOR HEARING TODAY.

APPEAL NO. 97-045

(8) CHARLES E. LA MERE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 12, [1997, to Henry Chan, permit to [Erect a Building (three-story, [two-unit dwelling) at 213 - 4th [Avenue. [APPLICATION NO. 9517734S. [FOR HEARING TODAY.

APPEAL NO. 97-046

(9) JONATHON D. GRAY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 19, [1997, to Duncan Ewing, permit [to Alter a Building (convert [existing flat roof to deck with [planters) at 162 Bocana Street. [APPLICATION NO. 9624375. [FOR HEARING TODAY.

APPEAL NO. 97-048

(10) JAMES W. FUNSTEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 18, [1997, to Robert Bakmaz, permit [to Alter a Building (replace exist- [ing windows with two-story bay [window) at 2318 Leavenworth Street. [APPLICATION NO. 9703733. [FOR HEARING TODAY.

Date posted: May 15, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
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WAYNE JACKSON HU	COMMISSIONER
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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MAY 21, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

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RESENT: President Carole Cullum, Vice President John McInerney, Commissioners Wayne Hu and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

BSENT: Commissioner Mario Salgado.

ae J. Chu, the Official Court Reporter, swore in all those who intended to testify during he meeting.

1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from Steven L. Costa, attorney for Horace Diamonon, Jr., requesting that the Board take jurisdiction over denial of a health permit referral for a karaoke lounge with amplified entertainment at 100 - 6th Street.

Date denied	April 1, 1997
Appeal period ended	April 16, 1997
Request for jurisdiction	May 12, 1997

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **GRANT** jurisdiction. Mr. Diamonon has fifteen days to file an appeal.

SPEAKERS: Steven L. Costa, attorney for requestor.

APPEAL NO. 95-013

(4) S.F. BEAUTIFUL, THE WESTIN ST. FRANCIS HOTEL, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on [January 25, 1995, to Patrick [Media Group, permit to Erect [a Sign (replacement of electric [single faced roof sign) at [200 - 212 Stockton Street. [ORDINANCE NO. 134-97 SIGNED BY [MAYOR APRIL 25, 1997 PROHIBITS [APPROVAL OF ROOFTOP BILLBOARDS [NEAR UNION SQUARE. [APPLICATION NO. 9415698. [FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Hu, the Board voted 4-0 to **DISAPPROVE** the permit with findings.

SPEAKERS: James Reuben, attorney for Patrick Media Group (now Eller Media). The appellant was present but did not speak.

APPEAL NO. 95-012

(5) S.F. BEAUTIFUL, FOUNDATION FOR S.F. ARCHITECTURAL HERITAGE, S.F. TOMORROW, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting reissuance on [January 17, 1995, to Louis F. [Snyder, permit to Erect a Sign [(rooftop Sony Videotron) [at 216 Stockton Street. [ORDINANCE NO. 134-97 SIGNED BY [MAYOR APRIL 25, 1997 PROHIBITS [APPROVAL OF ROOFTOP BILLBOARDS [NEAR UNION SQUARE. [APPLICATION NO. 9413943. [FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Hu, the Board voted 4-0 to **DISAPPROVE** the permit with findings.

SPEAKERS: The appellant was present but did not speak. Permit holder was not present.

Items (6A), (6B) and (6C) were heard together

APPEAL NO. 97-038

(6A) WILLIAM FRICK & JUDITH GANNON, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 14, [1997, to Robert and Sin Yin Yue, [permit to Alter a Building [(horizontal and vertical addition [consisting of three bedrooms, [two baths, extend rear to expand [living/dining room and add ex- [terior decks) at 846-848 North [Point Street. [APPLICATION NO. 9117981S. [FOR HEARING TODAY.

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6B) THOMAS HOWARD & MARIE HOWARD, Appellants
vs.
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PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 14, [1997, to Robert and Sin Yin Yue, [permit to Alter a Building [(horizontal and vertical addition [consisting of three bedrooms, [two baths, extend rear to expand [living/dining room and add ex- [terior decks) at 846-848 North [Point Street. [APPLICATION NO. 9117981S. [FOR HEARING TODAY.

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6C) 830-34 BAY ST. HOMEOWNERS ASSN., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 14, [1997, to Robert and Sin Yin Yue, [permit to Alter a Building [(horizontal and vertical addition [consisting of three bedrooms, [two baths, extend rear to expand [living/dining room and add ex- [terior decks) at 846-848 North [Point Street. [APPLICATION NO. 9117981S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: William Frick, Judith Gannon, Thomas Howard and Marie Howard, Paul Riehle, appellants; Jennifer Ryan and Richard Giraldi, in support of appellants; James Reuben, attorney for permit holders; Robert Yue, permit holder; Greg Holzman and Mike Alberigi, in support of permit holders.

The Board recessed from 7:06 to 7:18 p.m.

APPEAL NO. 97-044

7) STEPHEN M. WILLIAMS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 12, [1997, to Ashbourne Construction, [permit to Erect a Building (four [story, three unit dwelling) at [2617 Sutter Street. [APPLICATION NO. 9509062S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Hu, the Board voted 4-0 to **UPHOLD** the department with the following **CONDITIONS:** (1) Permit holder to beef-up cornice at third story; (2) Different siding to used on lower

three stories; (3) Cornice on roof to be minimized; (4) Planter boxes and trees to be planted on sidewalk; and (5) Bay in front to reduced from 3' depth to 1'6" depth, with planter boxes along top of bay.

SPEAKERS: Stephen Williams, appellant; Marcel Conrad, Leslie Thomas, Vanessa Conrad, Beth Wold, Peter Kordus, Chere Burdette, Rev. Orlando Hall, Bob Patterson, Sheila Carter, Carol Honore, Doug Delano, Terry Neil, Henrietta Mack, John Ritz, Father Robert Curran, Michael Sebree, William Freed, and Franklin Arthur Doyle, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; James Reuben, attorney for permit holder; Joe O'Donoghue, Cheryl Staper, Joe Cassidy, and Liam Murphy, in support of permit holder; Bruce Baumann, representing architect for permit holder; and Thomas McInerney, permit holder.

The Board recessed from 8:44 to 8:55 p.m.

APPEAL NO. 97-045

(8) CHARLES E. LA MERE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 12, [1997, to Henry Chan, permit to [Erect a Building (three-story, [two-unit dwelling) at 213 - 4th [Avenue.
[APPLICATION NO. 9517734S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Hu, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Charles La Mere, appellant; Jake McGoldrick, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; and Van Ly, representing permit holder.

APPEAL NO. 97-046

(9) JONATHON D. GRAY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 19, [1997, to Duncan Ewing, permit [to Alter a Building (convert [existing flat roof to deck with [planters) at 162 Bocana Street.
[APPLICATION NO. 9624375.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Jonathan Gray, appellant; Doug Kinner, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Molly Brennan, attorney for permit holder; Stephen Antonaros, in support of appellant; and Maxwell Beaumont, architect for permit holder.

APPEAL NO. 97-048

(10) JAMES W. FUNSTEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 18, [1997, to Robert Bakmaz, permit [to Alter a Building (replace exist- [ing windows with two-story bay [window) at 2318 Leavenworth Street. [APPLICATION NO. 9703733. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: James Funsten, appellant; Robert Passmore, Zoning Administrator for the Planning Department; Robert Bakmaz, permit holder; and David Merrick, structural engineer.

There being no further business, President Cullum adjourned the meeting at 10:41 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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Document Section, Main Library
Attn: Jerry Roth
*** 2 copies ***

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 4, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

3) **REQUEST FOR REHEARING:** Letter from William Lee, appellant, requesting rehearing of Appeal No. 97-035, 1255 Post Street. Hearing April 23, 1997. Upon motion by Commissioner Hu, the Board voted 4-0 (Commissioner Salgado absent) to **UPHOLD** the department and **SUSTAIN** the penalty.

APPEAL NO. 97-052

4) BOOTS ROLF HUGHSTON, dba "SYSTEM XIX, INC.", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on March 25, 1997, of
[Cabaret/Dance Hall Keeper-
[After Hours-Amendment permit
[at 450 Harrison Street.
[FOR HEARING TODAY.

5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 97-049

A) JAMES G. TOM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on March
[31, 1997, for work done at
[1403-1407 Golden Gate Avenue.
[APPLICATION NO. 9608168.
[FOR HEARING TODAY.

APPEAL NO. 97-054

B) BENJAMIN ABARCA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on April 16, 1997,
[for work done at 1459 Oak Street.
[APPLICATION NO. 9706107.
[FOR HEARING TODAY.

APPEAL NO. 97-056

C) JESUS GOMEZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition Penalty on April
[April 8, 1997, for work done
[at 918 Moscow Street.
[APPLICATION NO. 9702996.
[FOR HEARING TODAY.

APPEAL NO. 97-057

D) BICK Y. LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on April
[April 23, 1997, for work done
[at 1233 Holloway Avenue.
[APPLICATION NO. 9612833.
[FOR HEARING TODAY.

APPEAL NO. 97-060

(E) ELIZABETH CUADRA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on April
[30, 1997, for work done at
[482 Edinburgh Street.
[APPLICATION NO. 9702408.
[FOR HEARING TODAY.

APPEAL NO. 97-061

(F) NORMA OCAMPO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on May 6, 1997, for
[work done at 615 Excelsior Ave.
[APPLICATION NO. 9706598.
[FOR HEARING TODAY.

APPEAL NO. 97-043

(6) OUTDOOR SYSTEMS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on March 11, 1997, of
[permit to Alter a Building
[(replace rooftop general adver-
[tising sign) at 275 Post Street.
[APPLICATION NO. 9613693.
[FOR HEARING TODAY.

APPEAL NO. 97-059

(7) 3025 STEINER ST. TENANTS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on April
[17, 1997, to Reed Hearon, permit
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[and 28 chairs) in front of
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[PERMIT NO. 97TC-034.
[FOR HEARING TODAY.

APPEAL NO. 97-034

(8) JUDITH L. TEICHMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 6,
[1997, to John Field, permit to
[Alter a Building (residential
[fence) at 2561 Washington Street.
[APPLICATION NO. 9704119.
[FOR HEARING TODAY.

APPEAL NO. 97-051

(9) HELEN LAM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 2,
[1997, to Zoya Gosak, permit to
[Alter a Building (build new deck
[± 60" above grade 8' deep x 11'
[wide; connect to new lower deck
[30" above grade) at 471 - 37th
[Avenue.
[APPLICATION NO. 9701329.
[FOR HEARING TODAY.

APPEAL NO. 97-055

(10) SUSAN M. MARSH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 3,
[1997, to Anney Engelbrecht,
[permit to Alter a Building
[(remove illegal kitchen and
[legalize recreation room) at
[413 Oak Park Drive.
[APPLICATION NO. 9706031.
[FOR HEARING TODAY.

APPEAL NO. 97-058

(11) SAN FRANCISCO ADULT WORLD, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Administrator dated April 10, 1997, that use of the premises at 1028 Folsom Street as an adult video store is a prohibited use under Planning Code Section 803.4. FOR HEARING TODAY.

Date posted: May 29, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
WAYNE JACKSON HU	COMMISSIONER
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MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 554-9510.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

Jennifer Schuler
CITYWATCH-Ch. 54
Main Public Library

tations in order to minimize delay to those in attendance for appeals.

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 4, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Commissioners Wayne Hu, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

ABSENT: Vice President John McInerney.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: Commissioner Salgado questioned the Chief Building Inspector on the enforcement process against landlords in violation of the Codes.

Commissioner Wayne Hu requested that Planning and Building Inspection make a presentation to the Board on how their respective Codes are organized.

3) **REQUEST FOR REHEARING:** Letter from William Lee, appellant, requesting rehearing of Appeal No. 97-035, 1255 Post Street. Hearing April 23, 1997. Upon motion by Commissioner Hu, the Board voted 4-0 (Commissioner Salgado absent) to **UPHOLD** the department and **SUSTAIN** the penalty.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 2-2 (President Cullum and Commissioner Salgado dissented) to **DENY** the request for rehearing.

SPEAKERS: William Lee, appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 97-052

(4) BOOTS ROLF HUGHSTON, dba "SYSTEM XIX, INC.", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on March 25, 1997, of
[Cabaret/Dance Hall Keeper-
[After Hours-Amendment permit
[at 450 Harrison Street.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by Patrick Hallinan, attorney for appellant.

(5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection on Items A, B, C, and D the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board heard testimony and then decided Items E and F individually.

APPEAL NO. 97-049

(A) JAMES G. TOM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on March
[31, 1997, for work done at
[1403-1407 Golden Gate Avenue.
[APPLICATION NO. 9608168.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hu, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $215.80 for a total of $431.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-054

(B) BENJAMIN ABARCA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on April 16, 1997,
[for work done at 1459 Oak Street.
[APPLICATION NO. 9706107.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hu, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

SPEAKERS: The appellant was not present.

APPEAL NO. 97-056

(C) JESUS GOMEZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition Penalty on April
[8, 1997, for work done
[at 918 Moscow Street.
[APPLICATION NO. 9702996.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hu, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $297.05 for a total of $594.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-057

(D) BICK Y. LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on April
[23, 1997, for work done
[at 1233 Holloway Avenue.
[APPLICATION NO. 9612833.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hu, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $378.30 for a total of $756.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-060

(E) ELIZABETH CUADRA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on April
[30, 1997, for work done at
[482 Edinburgh Street.
[APPLICATION NO. 9702408.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hu, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to three times the regular fee of $297.05 for a total of $891.15.

SPEAKERS: Javier Solorzano, translated for appellant; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Elizabeth Cuadra, appellant.

APPEAL NO. 97-061

(F) NORMA OCAMPO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on May 6, 1997, for
[work done at 615 Excelsior Ave.
[APPLICATION NO. 9706598.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board **CONTINUED** the matter to **CALL OF THE CHAIR** to allow the Department of Building In- to review the case with expection that the penalty will be dropped entirely and the appeal will be withdrawn because of the hardship to the appellant.

SPEAKERS: Norma Ocampo, appellant; Loretta Denado, appellant's daughter; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Huan Kephart, contractor for appellant.

APPEAL NO. 97-043

(6) OUTDOOR SYSTEMS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on March 11, 1997, of
[permit to Alter a Building
[(replace rooftop general adver-
[tising sign) at 275 Post Street.
[APPLICATION NO. 9613693.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 3-1 (Commissioner Hu dissented) to overrule the department and grant the permit. Four votes are needed and the motion fails. The denial is **UPHELD.**

SPEAKERS: Harry O'Brien, attorney for appellant; David Murphy, structural engineer for appellant; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Robert Passmore, Zoning Administrator for the Planning Department; and Allen Freeland for 260 Stockton Street owners, Mark Ryser for S.F. Beautiful, James Reuben attorney for Eller Media, and George Broder of Eller Media, in support of department.

The Board recessed from 7:29 to 7:42 p.m.

APPEAL NO. 97-059

(7) 3025 STEINER ST. TENANTS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on April
[17, 1997, to Reed Hearon, permit
[for Tables and Chairs (12 tables
[and 28 chairs) in front of
[Rose's Cafe at 2298 Union Street.
[PERMIT NO. 97TC-034.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Hu, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Patricia Vaughey for appellant and Cow Hollow Neighbors in Action; Molly Brennan, attorney for permit holder; and Robert Passmore, Zoning Administrator for the Planning Department.

tations in order to minimize delay to those in attendance for appeals

APPEAL NO. 97-034

8) JUDITH L. TEICHMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 6, [1997, to John Field, permit to [Alter a Building (residential [fence) at 2561 Washington Street. [APPLICATION NO. 9704119. [FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **July 23, 1997** at the request of the parties to work out an agreement.

APPEAL NO. 97-051

9) HELEN LAM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 2, [1997, to Zoya Gusak, permit to [Alter a Building (build new deck [± 60" above grade 8' deep x 11' [wide; connect to new lower deck [30" above grade) at 471 - 37th [Avenue. [APPLICATION NO. 9701329. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Hu, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Helen Lam, appellant; Nancy Scheinholtz, architect for permit holder; and Zoya Gusak, permit holder.

APPEAL NO. 97-055

10) SUSAN M. MARSH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 3, [1997, to Anney Engelbrecht, [permit to Alter a Building [(remove illegal kitchen and [legalize recreation room) at [413 Oak Park Drive. [APPLICATION NO. 9706031. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the permit holder pay $1,500.00 to the appellant for relocation costs within 30 days.

SPEAKERS: Susan M. Marsh, appellant; Parker Dinwiddie, construction consultant, and Jeff Margulies, attorney for permit holder; Anney Engelbrecht, permit holder; and Judith Boyajian, Deputy City Attorney.

The Board recessed from 9:22 to 9:32 p.m.

APPEAL NO. 97-058

(11) SAN FRANCISCO ADULT WORLD, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Administrator dated April 10, 1997, that use of the premises at 1028 Folsom Street as an adult video store is a prohibited use under Planning Code Section 803.4. FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-0 to **UPHOLD** the department with the following **CONDITIONS**: (1) Remove all signs except for "San Francisco Adult World;" (2) Doors to remain closed at all times or a barrier installed inside doorway so that nothing can be seen inside store from the street; (3) Enforcement stayed until November 30, 1998; and (4) Hours of operation limited to 5:00 p.m. to 7:00 a.m., seven days a week.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; David Gellman, attorney for appellant; and Cynthia Povre, Angela Golightly; Judy Carman, Ramon Calquib, Sebastian Avoda, Michelle Azlino, in support of the Zoning Administrator.

There being no further business, President Cullum adjourned the meeting at 10:15 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 11, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

DOCUMENTS DEPT.
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SAN FRANCISCO
PUBLIC LIBRARY

PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

COMMISSIONERS COMMENTS AND QUESTIONS.

REQUEST FOR REHEARING: Letter from Stephen M. Williams, appellant requesting rehearing of Appeal No. 97-044, 2617 Sutter Street. Hearing May 21, 1997. Upon motion by Commissioner Hu, the Board voted 4-0 (Commissioner Salgado absent) to **UPHOLD** the department and **GRANT** the permit with the following **CONDITIONS**: (1) Permit holder to beef-up cornice at third story; (2) Different siding to used on lower three stories; (3) Cornice on roof to be minimized; (4) Planter boxes and trees to be planted on sidewalk; and (5) Bay in front to be reduced from 3' depth to 1'6" depth, with planter boxes along top of bay.

CONSENT ITEMS: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 97-064

BILAL ZAGHLOUL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[May 16, 1997, for work done
[at 3351 - 22nd Street.
[APPLICATION NO. 9707422.
[FOR HEARING TODAY.

APPEAL NO. 97-068

JING HONG JIANG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[May 29, 1997, for work done
[at 681 Silver Avenue.
[APPLICATION NO. 9709224.
[FOR HEARING TODAY.

APPEAL NO. 97-063

RANDALL NATHAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Denial on May 7, 1997, of
[permit to Alter a Building
[(legalize building as an
[existing R-1 occupancy) at
[2448-2450 Mission Street.
[APPLICATION NO. 9520982.
[FOR HEARING TODAY.

APPEAL NO. 96-177

MARILYN WALDMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on December
[10, 1996, to Henry and Alda Pineda,
[permit to Alter a Building (repair
[dry rot on deck) at 316 Chestnut
[Street.
[APPLICATION NO. 9623679.
[FOR HEARING TODAY

APPEAL NO. 97-037

(7) HERBERT & AMY SHIMAMOTO, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 7, [1997, to Joanne Nakano, permit [to Alter a Building (repair [7'6"x14' length at roof between [residence and property line fence; [repair by replacing existing roof [and shelves; relocate existing [drainpipe to drain on property, [not on adjacent property) at [3535 Clement Street. [APPLICATION NO. 9704295. [FOR HEARING TODAY.

APPEAL NO. 97-062

(8) THALIA DEWOLF, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 25, [1997, to Tom O'Connell, permit [to Erect a Building (three- [story single-family dwelling) [at 148 Faith Street. [APPLICATION NO. 940898S. [FOR HEARING TODAY.

APPEAL NO. 97-065

(9) MICHAEL O'CONNOR, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Zoning Administrator's denial [on April 30, 1997 of Fire [Department permit referral for [valet parking within a residen- [tial zoning district for the lot [at 1460 McAllister Street. [FOR HEARING TODAY.

(10) **AMENDMENT TO RULES OF BOARD OF APPEALS:** Public hearing and consideration of adoption of amendments to various sections of the Board's Rules regarding the submittal of written materials by parties to appeals as requested by the Vice President of the Board.

Article I, Sections 5 and 6: Deletion of language regarding submittals.
Article V, Section 2: Addition of (d) through (h) on submittals.

Copies of Proposed Amendments are available at the Board office.

Date posted: June 5, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
WAYNE JACKSON HU	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
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MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 554-9510.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JUNE 11, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Wayne Hu, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **REQUEST FOR REHEARING:** Letter from Stephen M. Williams, appellant requesting rehearing of Appeal No. 97-044, 2617 Sutter Street. Hearing May 21, 1997. Upon motion by Commissioner Hu, the Board voted 4-0 (Commissioner Salgado absent) to **UPHOLD** the department and **GRANT** the permit with the following **CONDITIONS:** (1) Permit holder to beef-up cornice at third story; (2) Different siding to used on lower three stories; (3) Cornice on roof to be minimized; (4) Planter boxes and trees to be planted on sidewalk; and (5) Bay in front to be reduced from 3' depth to 1'6" depth, with planter boxes along top of bay.

ACTION: After discussion, upon motion by Commissioner Hu, the Board voted 5-0 to **DENY** the request the rehearing.

SPEAKERS: Stephen Williams, requestor; and Nancy Greenan Hamill, attorney for permit holder.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

APPEAL NO. 97-064

(A) BILAL ZAGHLOUL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[May 16, 1997, for work done
[at 3351 - 22nd Street.
[APPLICATION NO. 9707422.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $199.55 for a total of $399.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-068

(B) JING HONG JIANG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[May 29, 1997, for work done
[at 681 Silver Avenue.
[APPLICATION NO. 9709224.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $297.05 for a total of $594.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-063

(5) RANDALL NATHAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Denial on May 7, 1997, of
[permit to Alter a Building
[(legalize building as an
[existing R-1 occupancy) at
[2448-2450 Mission Street.
[APPLICATION NO. 9520982.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Hu, the Board voted 4-1 (Commissioner Salgado dissented) to **OVERRULE** the department with the **CONDITION** that the appellant must comply with the conditions set forth by the Building Inspection and Fire Department plan checking staffs.

SPEAKERS: Fred Horsfield, agent for appellant; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 96-177

(6) MARILYN WALDMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on December
[10, 1996, to Henry and Alda Pineda,
[permit to Alter a Building (repair
[dry rot on deck) at 316 Chestnut
[Street.
[APPLICATION NO. 9623679.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **September 10, 1997** prior to hearing at the request of the parties.

The Board recessed from 7:15 to 7:28 p.m.

APPEAL NO. 97-037

(7) HERBERT & AMY SHIMAMOTO, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 7,
[1997, to Joanne Nakano, permit
[to Alter a Building (repair
[7'6"x14' length at roof between
[residence and property line fence;
[repair by replacing existing roof
[and shelves; relocate existing
[drainpipe to drain on property,
[not on adjacent property) at
[3535 Clement Street.
[APPLICATION NO. 9704295.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hu, the Board voted 5-0 to **DISAPPROVE** the permit based on the record before the Board.

SPEAKERS: None. The parties did not appear. The Executive Secretary reported on a telephone message from the permit holder's attorney indicating that the permit holder was abandoning her permit.

APPEAL NO. 97-062

(8) THALIA DEWOLF, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 25,
[1997, to Tom O'Connell, permit
[to Erect a Building (three-
[story single-family dwelling)
[at 148 Faith Street.
[APPLICATION NO. 9408948S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that construction begin after completion of the Bernal Heights stairs or August 15, 1997, which ever comes first, and that the Planning Department confirm that there are two usable parking spaces as shown on the plans after construction and before the Certificate of Final Completion is issued.

SPEAKERS: Judith Boyajian, Deputy City Attorney; Thalia Dewolf, appellant; Susan May Miller and Terry Milne, in support of appellant; Jimmy Jen, designer for permit holder; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 97-065

MICHAEL O'CONNOR, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Zoning Administrator's denial on April 30, 1997 of Fire Department permit referral for valet parking within a residential zoning district for the lot at 1460 McAllister Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Hu, the Board voted 5-0 to **CONTINUE** the matter to **CALL OF THE CHAIR**.

SPEAKERS: Michael O'Connor, appellant; Robert Passmore, Zoning Administrator for the Planning Department; Sergeant William Coggan, S.F.P.D.; and Judith Boyajian, Deputy City Attorney.

10) **AMENDMENT TO RULES OF BOARD OF APPEALS:** Public hearing and consideration of adoption of amendments to various sections of the Board's Rules regarding the submittal of written materials by parties to appeals as requested by the Vice President of the Board.

Article I, Sections 5 and 6: Deletion of language regarding submittals.
Article V, Section 2: Addition of (d) through (h) on submittals.

Copies of Proposed Amendments are available at the Board office.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to notice the public hearing for **June 25** and **August 13, 1997** for further hearing consideration and action.

There being no further business, President Cullum adjourned the meeting at 8:49 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 25, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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PROPOSED AMENDMENTS TO RULES OF BOARD OF APPEALS: Public hearing and discussion for up to 45 minutes. FURTHER CONSIDERATION AND ACTION SHALL BE CONTINUED to the meeting of AUGUST 13, 1997.

Proposals: Delete language regarding written submittals to Board in Article I, Sections 5 and 6 which concern hearing presentations.

Add language to Article V, Section 2(d) through (h) to limit appellants to single statement, brief or letter submitted when appeal is filed; to require members of the public to file two weeks prior to hearing; to direct staff not to accept written submittals that are not expressly permitted by the Rules.

Copies of the proposals are available at the Board office. Written comments on the proposals may be submitted with nine copies by 4:00 p.m. Tuesday June 24, 1997.

PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

COMMISSIONERS COMMENTS AND QUESTIONS.

CONSENT ITEMS: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 97-071

CHIU-NI WANG, Appellant
vs.
DEPT. BUILDING INSPECTION
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on May 28, 1997, for
[work done at 1883 - 20th Avenue.
[APPLICATION NO. 9705815.
[FOR HEARING TODAY.

APPEAL NO. 97-072

VIRGINIA HALE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[June 4, 1997, for work done
[at 326A Bocana Street.
[APPLICATION NO. 9520978.
[FOR HEARING TODAY.

APPEAL NO. 97-077

LUCY HONGATE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[May 22, 1997, for work done
[at 426 Ivy Street.
[APPLICATION NO. 9704099.
[FOR HEARING TODAY.

APPEAL NO. 97-069

CHARLES BRUMM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 15,
[1997, to Virginia L. Santa Maria,
[permit to Alter a Building (add
[second story dwelling unit; add
[new bedroom and family room on
[ground floor) at 1215 - 34th Ave.
[APPLICATION NO. 96227845.
[FOR HEARING TODAY.

APPEAL NO. 97-070

(6) W. MICHAEL LYDEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on May 16, [1997, to Daly Investment Company, [Ltd., permit to Alter a Building [(convert basement area from hous- [ing to storage only) at 891 Post [Street.
[APPLICATION NO. 9704436.
[FOR HEARING TODAY.

APPEAL NO. V97-027

(7) PENELOPE POLATSCH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on February 24, 1997, [of Off-Street Parking Variance [(legalize second dwelling unit [without providing required [off-street parking space) for [property at 149 Prospect Avenue.
[VARIANCE CASE NO. 96.582V.
[FOR HEARING TODAY.

APPEAL NO. 97-067

(8) JOHN L. COOPER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Zoning Administrator's determina- [tion dated May 9, 1997 allowing [use of the former police station [zoned RH-2 at 2475 Greenwich [Street, as a second home and [artist studio (main building [and garage are designated as [Landmark No. 218). Appellant [seeks changes to the language [of the determination regarding [the accessory use of the property.
[FOR HEARING TODAY.

Date posted: June 19, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JUNE 25, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

RESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

ae J. Chu, the Official Court Reporter, swore in all those who intended to testify during he meeting.

1) **PROPOSED AMENDMENTS TO RULES OF BOARD OF APPEALS:** Public hearing and discussion for up to 45 minutes. FURTHER CONSIDERATION AND ACTION SHALL BE CONTINUED to the meeting of AUGUST 13, 1997.

Proposals: Delete language regarding written submittals to Board in Article I, Sections 5 and 6 which concern hearing presentations.

Add language to Article V, Section 2(d) through (h) to limit appellants to single statement, brief or letter submitted when appeal is filed; to require members of the public to file two weeks prior to hearing; to direct staff not to accept written submittals that are not expressly permitted by the Rules.

Copies of the proposals are available at the Board office. Written comments on the proposals may be submitted with nine copies by 4:00 p.m. Tuesday June 24, 1997.

ACTION: **CONTINUED** to **August 13, 1997** for further testimony and action.

SPEAKERS: Michael Mead, Patricia Vaughey, Jake McGoldrick, Alice Barkley, and Jeremy Paul.

ne Board recessed from 7:01 to 7:15 p.m.

2) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKER: Patricia Vaughey invited Board members to neighborhood event, Costume Parade on July 5.

(3) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: President Cullum presented proclamation from Mayor to outgoing Commissioner Hu.

The Executive Secretary read the Board of Appeals Resolution of Appreciation adopted by Board for Commissioner Hu.

Commissioner Hu thanked the Board and introduced Commissioner Chin, his replacement.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

APPEAL NO. 97-071

(A) CHIU-NI WANG, Appellant
vs.
DEPT. BUILDING INSPECTION
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on May 28, 1997, for
[work done at 1883 - 20th Avenue.
[APPLICATION NO. 9705815.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $134.55 for a total of $269.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-072

(B) VIRGINIA HALE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[June 4, 1997, for work done
[at 326A Bocana Street.
[APPLICATION NO. 9520978.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $410.80 for a total of $821.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-077

(C) LUCY HONGATE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[May 22, 1997, for work done
[at 426 Ivy Street.
[APPLICATION NO. 9704099.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $134.55 for a total of $269.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-069

5) CHARLES BRUMM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 15, [1997, to Virginia L. Santa Maria, [permit to Alter a Building (add [second story dwelling unit; add [new bedroom and family room on [ground floor) at 1215 - 34th Ave. [APPLICATION NO. 96227845. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-1 (President Cullum dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Charles Brumm, appellant; Iloma Julia, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Bernie Kerns, contractor for permit holder.

APPEAL NO. 97-070

6) W. MICHAEL LYDEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on May 16, [1997, to Daly Investment Company, [Ltd., permit to Alter a Building [(convert basement area from hous- [ing to storage only) at 891 Post [Street. [APPLICATION NO. 9704436. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **CONTINUE** the matter to **August 13, 1997** for a report from Laurence Kornfield of the Department of Building Inspection on what it will take to legalize the unit.

SPEAKERS: Joseph Bravo, attorney for appellant; Parker Dinwiddie, consultant for appellant; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Robert Passmore, Zoning Administrator for the Planning Department; and James Hutchinson for Department of Building Inspection.

he Board recessed from 8:30 to 8:39 p.m.

APPEAL NO. V97-027

(7) PENELOPE POLATSCH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on February 24, 1997, [of Off-Street Parking Variance [(legalize second dwelling unit [without providing required [off-street parking space) for [property at 149 Prospect Avenue. [VARIANCE CASE NO. 96.582V. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-1 (Vice President McInerney dissented) to **OVERRULE** the Zoning Administrator with findings and **CONDITIONS:** (1) That the single off-street parking space in the subject house shall be maintained and kept open for parking use only, and will not be used for any other purpose. (2) That the appellant will enlarge the existing parking space to make it Code complying with the off-street parking requirements of the Planning Code so that it will be a fully complying independently accessible space of the Code-required dimensions. Staff to prepare findings for adoption at a later meeting.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Jeremy Paul, agent for appellant; Penelope Polatsch; appellant; Ian Dow and Joss Eldredge, in support of appellant; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 97-067

(8) JOHN L. COOPER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Zoning Administrator's determina- [tion dated May 9, 1997 allowing [use of the former police station [zoned RH-2 at 2475 Greenwich [Street, as a second home and [artist studio (main building [and garage are designated as [Landmark No. 218). Appellant [seeks changes to the language [of the determination regarding [the accessory use of the property. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to **UPHOLD** the Zoning Administrator.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Patricia Vaughey, in support of Zoning Administrator; John L. Cooper, appellant; Jennifer Gridley, in support of appellant; and Howard Wexler, attorney for D. Grigg, property owner.

There being no further business, President Cullum adjourned the meeting at 9:14 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JULY 9, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

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COMMISSIONERS COMMENTS AND QUESTIONS.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR JURISDICTION:

ITEM A: Letter from Michael O. Kokesh, attorney for Raytel Medical Corporation, requesting that the Board take jurisdiction over Building Permit Application No. 9706448 issued to Litke Properties to demolish a restaurant building at 3490 California Street.

Date issued	May 19, 1997
Appeal period ended	June 3, 1997
Request for jurisdiction	June 18, 1997

ITEM B: Letter from Allan L. Kipperman, M.D. and Ayris Hatton, requesting that the Board take jurisdiction over Building Permit Application No. 9614546S issued to John and Katherine Cooper for a horizontal addition at 2865 Divisadero Street.

Date issued	April 18, 1997
Appeal period ended	May 5, 1997
Request for jurisdiction	June 23, 1997

ITEM C: Letter from Norman Lew, attorney for Changs Incorporated, KKL Cab Company, State Cab Company, and Huey Incorporated requesting that the Board take jurisdiction over denial of taxicab stock transfer requests by the Police Commission.

Date of decision	May 1, 1997
Request for jurisdiction	May 6, 1997

ITEM D: Letter from Wayne S. Canterbury, attorney for Twin Peaks Transportation Company, Luxor Cabs, Inc. and Veterans Taxicab Company, requesting that the Board take jurisdiction over denial of taxicab stock transfer requests by the Police Commission.

Date of decision	May 1, 1997
Request for jurisdiction	May 8, 1997

ITEM E: Letter from Philip S. Ward, attorney for Yellow Cab Cooperative, Inc., requesting that the Board take jurisdiction over denial of taxicab stock transfer request by the Police Commission.

Date of decision	May 29, 1997
Request for jurisdiction	June 11, 1997

APPEAL NO. 97-066

(4) PACIFIC WEST COFFEE COMPANY, dba "OH-LA-LA!", Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appeal of order dated May 16, [1997, to reduce the number [of chairs from 12 to six and [tables from three to two on [the sidewalk in front of [685 Market Street. [PERMIT NO. 97TC-009 [FOR HEARING TODAY.

APPEAL NO. 96-138

(5) NEIL CHAITIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August [8, 1996, to Farah Champsi, permit [to Alter a Building (horizontal [rear addition to enlarge family [room at first floor, enlarge bed- [room at second floor and add deck [at third floor) at 2740 Divisadero [Street. [APPLICATION NO. 9310717S. [FOR HEARING TODAY.

APPEAL NO. 97-042

(6) DARLENE CRISP, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning [Administrator dated March 12, [1997, that food distribution [from Holiness Temple in Christ [at 1584-98 Church Street is [considered accessory to a prin- [cipal permitted use which does [not require conditional use [authorization. [FOR HEARING TODAY.

Date posted: July 2, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

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Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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Dept. 41

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JULY 9, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

DOCUMENTS DEPT.
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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

ABSENT: Commissioner Mario Salgado.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION:

ITEM A: Letter from Michael O. Kokesh, attorney for Raytel Medical Corporation, requesting that the Board take jurisdiction over Building Permit Application No. 9706448 issued to Litke Properties to demolish a restaurant building at 3490 California Street.

Date issued	May 19, 1997
Appeal period ended	June 3, 1997
Request for jurisdiction	June 18, 1997

ACTION: **WITHDRAWN** by Raytel Medical Corporation prior to hearing.

ITEM B: Letter from Allan L. Kipperman, M.D. and Ayris Hatton, requesting that the Board take jurisdiction over Building Permit Application No. 9614546S issued to John and Katherine Cooper for a horizontal addition at 2865 Divisadero Street.

Date issued	April 18, 1997
Appeal period ended	May 5, 1997
Request for jurisdiction	June 23, 1997

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 2-2 (Vice President McInerney and Commissioner Chin dissented) to continue the matter to **July 23, 1997** for further consideration. Four votes are needed and the motion fails. Then upon motion by Commissioner Schwartz, the Board voted 2-2 (Vice President McInerney and Commissioner Chin dissented) to grant jurisdiction. Four votes are needed and the motion fails. The request is **DENIED.**

SPEAKERS: Allan Kipperman, requestor; Howard Wexler, attorney for permit holder; Laurence Kornfield, Chief Building Inspector for the Depratment of Building Inspection; and Judith Boyajian, Deputy City Attorney.

Items C, D, and E were heard together

ITEM C: Letter from Norman Lew, attorney for Changs Incorporated, KKL Cab Company, State Cab Company, and Huey Incorporated requesting that the Board take jurisdiction over denial of taxicab stock transfer requests by the Police Commission.

Date of decision	May 1, 1997
Request for jurisdiction	May 6, 1997

ITEM D: Letter from Wayne S. Canterbury, attorney for Twin Peaks Transportation Company, Luxor Cabs, Inc. and Veterans Taxicab Company, requesting that the Board take jurisdiction over denial of taxicab stock transfer requests by the Police Commission.

Date of decision	May 1, 1997
Request for jurisdiction	May 8, 1997

ITEM E: Letter from Philip S. Ward, attorney for Yellow Cab Cooperative, Inc., requesting that the Board take jurisdiction over denial of taxicab stock transfer request by the Police Commission.

Date of decision	May 29, 1997
Request for jurisdiction	June 11, 1997

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 4-0 to **GRANT** jurisdiction. The parties have 15 days to file an appeal.

SPEAKERS: Tom Owen, Deputy City Attorney; Officer Farrell Suslow, S.F.P.D.; Norman Lew and Robert McCarthy representing the taxicab companies; and Mark Gruberg and Christopher Collins in support of the department.

APPEAL NO. 97-066

4) PACIFIC WEST COFFEE COMPANY, dba "OH-LA-LA!", Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appeal of order dated May 16, [1997, to reduce the number [of chairs from 12 to six and [tables from three to two on [the sidewalk in front of [685 Market Street. [PERMIT NO. 97TC-009 [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 2-2 (Vice President McInerney and Commissioner Chin dissented) to **UPHOLD** the department. Four votes are necessary to overrule a department, so the permit is deemed upheld.

SPEAKERS: Ron Hogan, appellant; and Kenneth Marr in support of the department.

APPEAL NO. 96-138

5) NEIL CHAITIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August [8, 1996, to Farah Champsi, permit [to Alter a Building (horizontal [rear addition to enlarge family [room at first floor, enlarge bed-[room at second floor and add deck [at third floor) at 2740 Divisadero [Street. [APPLICATION NO. 9310717S. [FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **December 10, 1997** prior to hearing at the request of the parties.

he Board recessed from 7:23 to 7:36 p.m.

APPEAL NO. 97-042

6) DARLENE CRISP, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning [Administrator dated March 12, [1997, that food distribution [from Holiness Temple in Christ [at 1584-98 Church Street is [considered accessory to a prin-[cipal permitted use which does [not require conditional use [authorization. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 1-3 (President Cullum, Vice President McInerney, Commissioner Schwartz dis-

sented) to continue the matter to the next scheduled hearing. Three votes are needed and the motion fails. Then upon motion by Vice President McInerney, the Board voted 3-1 (Commissioner Chin dissented) to **UPHOLD** the Zoning Administrator.

The Board directed the Executive Secretary to write a letter to the Health Department addressing possible health and safety concerns.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Pastor Joesiah Bell and Chris Feeney, in support of the Zoning Administrator; Darlene Crisp, appellant; and Gracie Atherton, Neil Sofia, Patricia Plantz read a letter from Mardie Van Der Vort, Beatrice Pixa, John Schlesinger, in support of appellant.

There being no further business, President Cullum adjourned the meeting at 8:40 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JULY 23, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE**:

ADOPTION OF FINDINGS:

ITEM A: Appeal No. 97-027, 149 Prospect Avenue. Hearing June 25, 1997. Upon motion by President Cullum, the Board voted 4-1 (Vice President McInerney dissented) to **OVERRULE** the Zoning Administrator with findings and **CONDITIONS**: (1) That the single off-street parking space in the subject house shall be maintained and kept open for parking use only, and will not be used for any other purpose. (2) That the appellant will enlarge the existing parking space to make it Code complying with the off-street parking requirements of the Planning Code so that it will be a fully complying independently accessible space of the Code-required dimensions.

REQUEST FOR JURISDICTION:

ITEM B: Letter from Joann Nakano, requesting that the Board take jurisdiction over penalty imposed for work done at 3535 Clement Street (Building Permit Application No. 9704295). On June 11, 1997 the Board voted 5-0 to **DISAPPROVE** the permit (Appeal No. 97-037 filed by a neighbor opposed to the project). Ms. Nakano was not present.

Date penalty imposed	March 7, 1997
Appeal period ended	March 24, 1997
Request for jurisdiction	June 20, 1997

4) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 97-081

ROSEMARY AUER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on June 18, 1997, for
[work done at 352 Precita Ave.
[APPLICATION NO. 9708638.
[FOR HEARING TODAY.

APPEAL NO. 97-083

HUE & CRY SECURITY SYSTEMS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on June 19, 1997, for
[work done at 550 Barneveld Ave.
[ELECTRICAL PERMIT NO. E167091.
[FOR HEARING TODAY.

APPEAL NO. 97-085

LINDA WONG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on June
[27, 1997, for work done at
[875 - 29th Avenue.
[APPLICATION NO. 9711657.
[FOR HEARING TODAY.

APPEAL NO. 97-088

(D) HENRY COLLADO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on June
[26, 1997, for work done at
[1462 Innes Avenue.
[APPLICATION NO. 9711392.
[FOR HEARING TODAY.

Items (5A) and (5B) shall be heard together

APPEAL NO. 97-079

(5A) MICHEL LE FEBVRIER & JENNIFER RICHARDSON, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 10,
[1997, to Ravi and Carol Anand,
[permit to Alter a Building
[(demolition of existing units;
[additional plans for record
[keeping to illustrate extent
[of demolition required to
[complete remodeling approved
[under PA #9709005) at 1386-88
[10th Avenue.
[APPLICATION NO. 9710604.
[FOR HEARING TODAY.

APPEAL NO. 97-080

(5B) MICHEL LE FEBVRIER & JENNIFER RICHARDSON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 30,
[1997, Ravi and Carol Anand,
[permit to Alter a Building
[(renovate, add garage and finish
[existing basement into family
[room) at 1386-88 10th Avenue.
[APPLICATION NO. 9709005.
[FOR HEARING TODAY.

Date posted: July 17, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

PROCEDURE AT HEARINGS

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In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

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Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
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...hearing presentations.

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JULY 23, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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RESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

BSENT: Commissioner Mario Salgado.

ae J. Chu, the Official Court Reporter, swore in all those who intended to testify during he meeting.

1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: Commissioner Chin spoke in support of Commissioner McInerney and said he felt the recent newspaper article was wrong and that Commissioner McInerney has acted appropriately.

3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ADOPTION OF FINDINGS:

ITEM A: Appeal No. 97-027, 149 Prospect Avenue. Hearing June 25, 1997. Upon motion by President Cullum, the Board voted 4-1 (Vice President McInerney dissented) to **OVERRULE** the Zoning Administrator with findings and **CONDITIONS:** (1) That the single off-street parking space in the subject house shall be maintained and kept open for parking use only, and will not be used for any other purpose; and (2) That the appellant will enlarge the existing parking space to make it Code complying with the off-street parking requirements of the Planning Code.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 4-0 to **ADOPT** findings.

REQUEST FOR JURISDICTION:

ITEM B: Letter from Joann Nakano, requesting that the Board take jurisdiction over penalty imposed for work done at 3535 Clement Street (Building Permit Application No. 9704295). On June 11, 1997 the Board voted 5-0 to **DISAPPROVE** the permit (Appeal No. 97-037 filed by a neighbor opposed to the project). Ms. Nakano was not present.

Date penalty imposed	March 7, 1997
Appeal period ended	March 24, 1997
Request for jurisdiction	June 20, 1997

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-0 to **GRANT** jurisdiction. Ms. Nakano has fifteen days to file an appeal.

SPEAKERS: Irene Nakano, requestor's daughter and Rafael Torres-Gil, Senior Building Inspector, for the Department of Building Inspection.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee to two times and four times the regular fee as provided for in the Building Code.

APPEAL NO. 97-081

(A) ROSEMARY AUER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on June 18, 1997, for
[work done at 352 Precita Ave.
[APPLICATION NO. 9708638.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $102.05 for a total of $204.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-083

(B) HUE & CRY SECURITY SYSTEMS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on June 19, 1997, for
[work done at 550 Barneveld Ave.
[ELECTRICAL PERMIT NO. E167091.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $226.00 for a total of $425.00.

items 5 and 6 which concern hearing presentations.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-085

(C) LINDA WONG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on June
[27, 1997, for work done at
[875 - 29th Avenue.
[APPLICATION NO. 9711657.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-088

(D) HENRY COLLADO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on June
[26, 1997, for work done at
[1462 Innes Avenue.
[APPLICATION NO. 9711392.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to four times the regular fee of $85.15 for a total of $340.60.

SPEAKERS: The appellant was present but did not speak.

Items (5A) and (5B) were heard together

APPEAL NO. 97-079

(5A) MICHEL LE FEBVRIER & JENNIFER RICHARDSON, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 10,
[1997, to Ravi and Carol Anand,
[permit to Alter a Building
[(demolition of existing units;
[additional plans for record
[keeping to illustrate extent
[of demolition required to
[complete remodeling approved
[under PA #9709905) at 1386-88
[10th Avenue.
[APPLICATION NO. 9710604.
[FOR HEARING TODAY.

APPEAL NO. 97-080

(5B) MICHEL LE FEBVRIER & JENNIFER RICHARDSON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 30,
[1997, Ravi and Carol Anand,
[permit to Alter a Building
[(renovate, add garage and finish
[existing basement into family
[room) at 1386-88 10th Avenue.
[APPLICATION NO. 9709905.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **CONTINUE** the matter to **CALL OF THE CHAIR** to allow time for a hearing before the Rent Board.

SPEAKERS: Chandler Sparler, attorney for appellants; Robert Passmore, Zoning Administrator for the Planning Department; Rafael Torres-Gil, Senior Build- Inspector for the Department of Building Inspection; Judith Boyajian, Deputy City Attorney; Joseph Sacramento, attorney for permit holder; Ravi Anand, permit holder; and Jerry Klein, permit consultant.

There being no further business, President Cullum adjourned the meeting at 7:05 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, AUGUST 13, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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8/13/97

(1) **PROPOSED AMENDMENTS TO RULES OF BOARD OF APPEALS:** Public hearing and discussion for up to 45 minutes.

Proposals: Delete language regarding written submittals to Board in Article I, Sections 5 and 6 which concern hearing presentations.

Add language to Article V, Section 2(d) through (h) to limit appellants to single statement, brief or letter submitted when appeal is filed; to require members of the public to file two weeks prior to hearing; to direct staff not to accept written submittals that are not expressly permitted by the Rules.

Copies of the proposals are available at the Board office.

(2) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(3) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(4) **REQUEST FOR REHEARING:** Letter from Harry O'Brien, attorney for appellant requesting rehearing of Appeal 97-043, 275 Post Street. Hearing June 4, 1997. Upon motion by Commissioner Schwartz, the Board voted 3-1 (Vice President McInerney absent, Commissioner Hu dissented) to overrule the department and grant the permit. Four votes are needed and motion fails. The denial is **UPHELD.**

APPEAL NO. 97-070

(5) W. MICHAEL LYDEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on May 16, 1997, to Daly Investment Company, Ltd., permit to Alter a Building (convert basement area from housing to storage only) at 891 Post Street.
[APPLICATION NO. 9704436.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 97-084

(6) TONY WEI SHAO YU, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty imposed on June 20, 1997, for work done 6 Lapham Way.
[APPLICATION NO. 9711293.
[FOR HEARING TODAY.

Items (7A), (7B), (7C) and (7D) shall be heard together

APPEAL NO. 97-073

(7A) SANKON INTL. USA, LTD dba "CLUB TOUCHE", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Suspension on May 27, 1997, of Place of Entertainment permit for 180 days at 300 De Haro St.
[FOR HEARING TODAY.

APPEAL NO. 97-074

(7B) SANKON INTL. USA, LTD dba "CLUB TOUCHE", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Suspension on May 27, 1997, of
[Cabaret permit for 180 days
[at 300 De Haro Street.
[FOR HEARING TODAY.

APPEAL NO. 97-075

(7C) SANKON INTL. USA, LTD dba "CLUB TOUCHE", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 27, 1997, of
[Dance Hall Keeper permit at
[300 De Haro Street.
[FOR HEARING TODAY.

APPEAL NO. 97-076

(7D) SANKON INTL. USA, LTD dba "CLUB TOUCHE", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 27, 1997, of
[After Hours Dance Hall Keeper
[permit at 300 De Haro Street.
[FOR HEARING TODAY.

APPEAL NO. 97-087

(8) IZDEHAR ALBOWYHA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on June 16,
[1997, to Konrad Tausend, permit
[to Alter a Building (remodel kit-
[chen, replace appliances, counter-
[top, floor, paint; repair ceiling,
[and floor, paint, repair door
[in bedrooms; repair ceiling,
[hardwood floor, entrance door,
[paint, clean furnace in living
[room; replace screen at living
[room window) at 2680 San Jose
[Avenue.
[APPLICATION NO. 9710907.
[FOR HEARING TODAY.

APPEAL NO. 97-090

(9) PHYLLIS SCHROBSDORFF, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1,
[1997, to Kenneth and Priscilla
[Paieski, permit to Alter a
[Building (add second floor
[master bedroom and bath suite)
[at 182 Hartford Street.
[APPLICATION NO. 9613846S.
[FOR HEARING TODAY.

APPEAL NO. 97-101

(10) THOMAS PAUL RODGERS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July
[14, 1997, to Sam Sirhed, permit
[to Alter a Building (horizontal
[extension of commerical and
[residential structures; seismic
[upgrades; new electrical service;
[add bathroom and remodel kitchen;
[upgrade storefront; add sprinklers
[at commercial level) at
[4021-23 18th Street.
[APPLICATION NO. 9706924.
[FOR HEARING TODAY.

Date posted: August 7, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

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Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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Dept. 41

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, AUGUST 13, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PROPOSED AMENDMENTS TO RULES OF BOARD OF APPEALS:** Public hearing and discussion for up to 45 minutes.

Proposals: Delete language regarding written submittals to Board in Article I, Sections 5 and 6 which concern hearing presentations.

Add language to Article V, Section 2(d) through (h) to limit appellants to single statement, brief or letter submitted when appeal is filed; to require members of the public to file two weeks prior to hearing; to direct staff not to accept written submittals that are not expressly permitted by the Rules.

Copies of the proposals are available at the Board office.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-1 (Commissioner Chin dissented) to amend the rules by requiring parties to submit their briefs two weeks prior to hearing, with three-page rebuttal briefs due one week prior to hearing.

SPEAKERS: Sue Hestor, Joseph Butler, Richard Millett, Caroline Dignan, Eleanore Gerhardt, Monika Henschke, Claire Pilcher, Dione King, Aaron Peskin, Julie Sims, Debra Walker, Jeremy Paul, Sandra Ardito, opposed to rule change; James Reuben and Alice Barkley, in support of rule change.

(2) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

with severe allergies, environmental illness, multiple chemical

(3) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

The Board recessed from 6:56 to 7:05 p.m.

(4) **REQUEST FOR REHEARING:** Letter from Harry O'Brien, attorney for appellant requesting rehearing of Appeal 97-043, 275 Post Street. Hearing June 4, 1997. Upon motion by Commissioner Schwartz, the Board voted 3-1 (Vice President McInerney absent, Commissioner Hu dissented) to overrule the department and grant the permit. Four votes are needed and motion fails. The denial is **UPHELD.**

ACTION: After dicussion, upon motion by Commissioner Schwartz, the Board voted 4-1 (President Cullum dissented) to **GRANT** rehearing and scheduled the rehearing for **October 8, 1997** with the agreement of the parties.

SPEAKERS: Harry O'Brien, attorney for appellant; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and James Reuben, in support of the department.

APPEAL NO. 97-070

(5) W. MICHAEL LYDEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on May 16, [1997, to Daly Investment Company, [Ltd., permit to Alter a Building [(convert basement area from hous- [ing to storage only) at 891 Post [Street.
[APPLICATION NO. 9704436.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted to **UPHOLD** the department with the **CONDITION** that the permit holder offer the appellant a studio apartment in the subject building for an initial rental of $200 a month subject to the Rent Ordinance. Offer to be open for 30 days and if rejected or not acted upon the unit may be rented to another person.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Saul Ferster, attorney for permit holder.

APPEAL NO. 97-084

(6) TONY WEI SHAO YU, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty [imposed on June 20, 1997, for [work done 6 Lapham Way.
[APPLICATION NO. 9711293.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $85.15 for a total of $170.30.

SPEAKERS: The appellant was present but did not speak.

Items (7A), (7B), (7C) and (7D) were heard together

APPEAL NO. 97-073

(7A) SANKON INTL. USA, LTD dba "CLUB TOUCHE", Appellant vs. POLICE DEPARTMENT, Respondent [Suspension on May 27, 1997, of [Place of Entertainment permit [for 180 days at 300 De Haro St. [FOR HEARING TODAY.

APPEAL NO. 97-074

(7B) SANKON INTL. USA, LTD dba "CLUB TOUCHE", Appellant vs. POLICE DEPARTMENT, Respondent [Suspension on May 27, 1997, of [Cabaret permit for 180 days [at 300 De Haro Street. [FOR HEARING TODAY.

APPEAL NO. 97-075

(7C) SANKON INTL. USA, LTD dba "CLUB TOUCHE", Appellant vs. POLICE DEPARTMENT, Respondent [Revocation on May 27, 1997, of [Dance Hall Keeper permit at [300 De Haro Street. [FOR HEARING TODAY.

APPEAL NO. 97-076

(7D) SANKON INTL. USA, LTD dba "CLUB TOUCHE", Appellant vs. POLICE DEPARTMENT, Respondent [Revocation on May 27, 1997, of [After Hours Dance Hall Keeper [permit at 300 De Haro Street. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the department.

SPEAKERS: Sergeant William Coggan, attorney for S.F.P.D.; Adam Sloate and Steven Litman, attorneys for appellant; Joseph Bravo, attorney for property owner; Richard Millett, Kelly Keith, Daniel Bacon, Sandra Peterson, Greg Offer, Jerry Peterson, in support of department; and Judith Boyajian, Deputy City attorney.

The Board recessed from 8:26 to 8:37 p.m.

APPEAL NO. 97-087

(8) IZDEHAR ALBOWYHA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on June 16, [1997, to Konrad Tausend, permit [to Alter a Building (remodel kit- [chen, replace appliances, counter- [top, floor, paint; repair ceiling, [and floor, paint, repair door [in bedrooms; repair ceiling, [hardwood floor, entrance door, [paint, clean furnace in living [room; replace screen at living [room window) at 2680 San Jose [Avenue. [APPLICATION NO. 9710907. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to **UPHOLD** the department with the **CONDITION** that the appellant-tenants may continue to occupy the house during the renovation, except that in the event the permit holder obtains all necessary permits for asbestos removal, the appellant-tenants shall vacate for up to 30 days during the removal process, with the permit holder paying actual relocation costs up to $1,000.

SPEAKERS: Raquel Fox, attorney for appellant; Izdehar Albowyha, appellant; David Wasserman and Steven Taxman, attorneys for permit holder; and Konrad Tausend, permit holder.

The Board recessed from 8:53 to 8:56 p.m.

APPEAL NO. 97-090

(9) PHYLLIS SCHROBSDORFF, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, [1997, to Kenneth and Priscilla [Paieski, permit to Alter a [Building (add second floor [master bedroom and bath suite) [at 182 Hartford Street. [APPLICATION NO. 9613846S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 3-2 (Vice President McInerney and Commissioner Chin dissented) to uphold the department and grant the permit with the design approved as submitted with the addition of a second lightwell which corrects the illegal windows. The motion fails for lack of four votes needed to impose conditions and the permit is **GRANTED** with **NO CONDITIONS**.

SPEAKERS: Phylllis Schrobsdorff, appellant; Marc Lipschutz, in support of appellant; Alice Barkley, attorney for permit holders; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Robert Passmore, Zoning Administrator for the Planning Department; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 97-101

THOMAS PAUL RODGERS, Appellant
(10) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July [14, 1997, to Sam Sirhed, permit [to Alter a Building (horizontal [extension of commercial and [residential structures; seismic [upgrades; new electrical service; [add bathroom and remodel kitchen; [upgrade storefront; add sprinklers [at commercial level) at [4021-23 18th Street. [APPLICATION NO. 9706924. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-1 (President Cullum dissented) to **UPHOLD** the department with the **CONDITION** that the roof deck be centered and door to it moved in order to reduce any impact on the privacy of the neighbors.

SPEAKERS: Thomas Rodgers, appellant; Richard Schultz, in support of appellant; Terry Lindahl, architect for permit holder; Sam Sirhed, permit holder; and Robert Passmore, Zoning Administrator for the Planning Department.

There being no further business, President Cullum adjourned the meeting at 10:25 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

City Librarian
Document Section, Main Library
Attn: Jerry Roth
*** 2 copies ***

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, AUGUST 20, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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PUBLIC LIBRARY

1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

3) **REQUEST FOR REHEARING**: Letter from Ronald J. Hogan, for Oh-La-La Espresso Bar, 685 Market Street, appellant, requesting rehearing of Appeal No. 97-066. Hearing July 9, 1997. Upon motion by Commissioner Schwartz, the Board voted 2-2 (Vice President McInerney and Commissioner Chin dissented; Commissioner Salgado absent) to **UPHOLD** the department. Four votes are necessary to overrule a department, so department order to reduce number of tables and chairs on sidewalk is deemed upheld.

4) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 97-098

LINDA TOM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appealing for Refund of Penalty
[imposed on July 21, 1997, for
[work done at 348 Delano Avenue.
[APPLICATION NO. 9704910.
[FOR HEARING TODAY.

APPEAL NO. 97-104

JOANN NAKANO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appealing for Refund of Penalty
[imposed on August 5, 1997, for
[work done at 3535 Clement Street.
[APPLICATION NO. 9704295.
[FOR HEARING TODAY.

APPEAL NO. 97-105

GUSTAVO A. FLORES, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appealing for Refund of Penalty
[imposed on August 1, 1997, for
[work done at 879 Rhode Island
[Street.
[APPLICATION NO. 9602134.
[FOR HEARING TODAY.

APPEAL NO. 97-089

PROCTOR JONES, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July
[2, 1997, to Alfred Lee, permit
[to Erect a Building (three-story
[single family dwelling) at
[5418 Anza Street.
[APPLICATION NO. 9611459S.
[FOR HEARING TODAY.

APPEAL NO. 97-091

(6) JOHN MULLIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June
[27, 1997, to Catherine Morris,
[permit to Alter a Building
[(change number of steps in
[stairway; provide stairway to
[roof with penthouse; add two
[storage rooms above garage;
[replace windows throughout;
[add handicap accessible bath-
[room) at 1000 Wisconsin Street.
[APPLICATION NO. 9708933.
[FOR HEARING TODAY.

APPEAL NO. 97-103

(7) WAYNE H. PERRY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 17,
[1997, to Frank King, permit to
[Erect a Building (22 live/work
[units) at 208 Pennsylvania St.
[APPLICATION NO. 9708748S.
[FOR HEARING TODAY.

Date posted: August 14, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
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MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, AUGUST 20, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

ABSENT: President Carole Cullum.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **REQUEST FOR REHEARING:** Letter from Ronald J. Hogan, for Oh-La-La Espresso Bar, 685 Market Street, appellant, requesting rehearing of Appeal No. 97-066. Hearing July 9, 1997. Upon motion by Commissioner Schwartz, the Board voted 2-2 (Vice President McInerney and Commissioner Chin dissented; Commissioner Salgado absent) to **UPHOLD** the department. Four votes are necessary to overrule a department, so department order to reduce number of tables and chairs on sidewalk is deemed upheld.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 3-1 (Commissioner Schwartz dissented) to grant rehearing. Four votes are needed and the motion fails. The request for rehearing is **DENIED**.

SPEAKER: Ron Hogan, appellant.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

APPEAL NO. 97-098

(A) LINDA TOM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appealing for Refund of Penalty
[imposed on July 21, 1997, for
[work done at 348 Delano Avenue.
[APPLICATION NO. 9704910.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $150.80 for a total of $301.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-104

(B) JOANN NAKANO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appealing for Refund of Penalty
[imposed on August 5, 1997, for
[work done at 3535 Clement Street.
[APPLICATION NO. 9704295.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $118.30 for a total of $236.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-105

(C) GUSTAVO A. FLORES, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appealing for Refund of Penalty
[imposed on August 1, 1997, for
[work done at 879 Rhode Island
[Street.
[APPLICATION NO. 9602134.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-089

(5) PROCTOR JONES, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July
[2, 1997, to Alfred Lee, permit
[to Erect a Building (three-story
[single family dwelling) at
[5418 Anza Street.
[APPLICATION NO. 9611459S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the existing garage at rear shall be demolished by the permit holder.

SPEAKERS: Proctor Jones, Jr., appellant; Robert Heuman and Georgia Mendoza, in support of appellant; Daniel J. Sullivan and Walter Wong, agents for permit holder; Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 97-091

(6) JOHN MULLIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June [27, 1997, to Catherine Morris, [permit to Alter a Building [(change number of steps in [stairway; provide stairway to [roof with penthouse; add two [storage rooms above garage; [replace windows throughout; [add handicap accessible bath-[room) at 1000 Wisconsin Street. [APPLICATION NO. 9708933. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the permit holder consult with the Fire Department plan checker and change penthouse to hatch access or alternatively a sunken well.

SPEAKERS: Bill Laven, agent for appellant; Larry Shockey, attorney for permit holder; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; Renan Dominguez, architect for permit holder; Judith Boyajian, Deputy City Attorney; and Robert Passmore, Zoning Administrator for the Planning Department.

The Board recessed from 7:16 to 7:24 p.m.

APPEAL NO. 97-103

(7) WAYNE H. PERRY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 17, [1997, to Frank King, permit to [Erect a Building (22 live/work [units) at 208 Pennsylvania St. [APPLICATION NO. 9708748S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 3-1 (Vice President McInerney dissented) to **RESCHEDULE** this public hearing to **September 3, 1997** to enable the attorney for the appellant to prepare for hearing. No substantive testimony was taken.

SPEAKERS: Tammy Haygood, attorney for appellant; and Steven Vettel, attorney for permit holder.

There being no further business, Vice President McInerney adjourned the meeting at 7:41 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

SF
P30
#2
9/3/97
4
Amended

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 3, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letters from Alice Barkley, attorney for Kenneth and Priscilla Paieski, permit holder, and Phyllis Schrobsdorff, appellant, requesting rehearing of Appeal No. 97-090, 182 Hartford Street. Hearing August 13, 1997. Upon motion by Commissioner Schwartz, the Board voted 3-2 (Vice President McInerney and Commissioner Chin dissented) to uphold the department and grant the permit with the design approved as submitted with the addition of a second lightwell which corrects the illegal windows. The motion fails for lack of four votes needed to impose conditions and the permit is **GRANTED** with **NO CONDITIONS**.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Mark Biggins requesting that the Board take jurisdiction over Building Permit Application No. 9173579 issued to McDonald's Corporation to demolish a building at 3411 Third Street.

Dated issued	July 29, 1997
Last day to appeal	August 13, 1997
Request for jurisdiction	August 19, 1997

APPEAL NO. 97-097

(4) ASHLEY HUNG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on July
[15, 1997, for work done at
[3855-3859 23rd Street.
[APPLICATION NO. 9124224.
[FOR HEARING TODAY.

ate posted: August 28, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Carole Cullum, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 554-9510.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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AMENDED AUGUST 29, 1997

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 3, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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PUBLIC LIBRARY

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

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REQUESTS FOR REHEARING:

ITEM A: Letters from Alice Barkley, attorney for Kenneth and Priscilla Paieski, permit holder, and Phyllis Schrobsdorff, appellant, requesting rehearing of Appeal No. 97-090, 182 Hartford Street. Hearing August 13, 1997. Upon motion by Commissioner Schwartz, the Board voted 3-2 (Vice President McInerney and Commissioner Chin dissented) to uphold the department and grant the permit with the design approved as submitted with the addition of a second lightwell which corrects the illegal windows. The motion fails for lack of four votes needed to impose conditions and the permit is **GRANTED** with **NO CONDITIONS**.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Mark Biggins requesting that the Board take jurisdiction over Building Permit Application No. 9173579 issued to McDonald's Corporation to demolish a building at 3411 Third Street.

Dated issued	July 29, 1997
Last day to appeal	August 13, 1997
Request for jurisdiction	August 19, 1997

APPEAL NO. 97-097

(4) ASHLEY HUNG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on July
[15, 1997, for work done at
[3855-3859 23rd Street.
[APPLICATION NO. 9124224.
[FOR HEARING TODAY.

APPEAL NO. 97-103

(5) WAYNE H. PERRY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 17,
[1997, to Frank King, permit to
[Erect a Building (22 live/work
[units) at 208 Pennsylvania St.
[APPLICATION NO. 9708748S.
[FOR FURTHER HEARING TODAY.

Date posted: August 28, 1997

Date amended calendar posted: August 29, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
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ARNOLD Y.K. CHIN	COMMISSIONER
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MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 3, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKER: Jake McGoldrick complained of a commissioner's conflict of interests in matters relating to development.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: Vice President McInerney answered Mr. McGoldrick's complaints and said the City Attorney had investigated the matter and had found no impropriety.

Laurence Kornfield described the process he has set up to inform inspectors of conditions imposed by the Board.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letters from Alice Barkley, attorney for Kenneth and Priscilla Paieski, permit holders, and Phyllis Schrobsdorff, appellant, requesting rehearing of Appeal No. 97-090, 182 Hartford Street. Hearing August 13, 1997. Upon motion by Commissioner Schwartz, the Board voted 3-2 (Vice President McInerney and Commissioner Chin dissented) to uphold the department and grant the permit with the design approved as submitted with the addition of a second lightwell which corrects the illegal windows. The motion fails for lack of four votes needed to impose conditions and the permit is **GRANTED** with **NO CONDITIONS**.

ACTION: The request for rehearing from permit holder was **WITHDRAWN** prior to hearing. After discussion, upon motion by Commissioner Schwartz, the Board voted 5-0 to **DENY** the request for rehearing from the appellant.

SPEAKERS: Phyllis Schrobsdorff, appellant; Rod Beaton, contractor for permit holder; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Marc Lipschutz, in support of appellant.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Mark Biggins requesting that the Board take jurisdiction over Building Permit Application No. 9173579 issued to McDonald's Corporation to demolish a building at 5411 Third Street.

Dated issued	July 29, 1997
Last day to appeal	August 13, 1997
Request for jurisdiction	August 19, 1997

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **DENY** the request for jurisdiction.

SPEAKERS: Mark Biggins, requestor; and Harry O'Brien, attorney for permit holder.

APPEAL NO. 97-097

(4) ASHLEY HUNG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on July
[15, 1997, for work done at
[3855-3859 23rd Street.
[APPLICATION NO. 9124224.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $215.80 for a total of $431.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-103

(5) WAYNE H. PERRY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 17,
[1997, to Frank King, permit to
[Erect a Building (22 live/work
[units) at 208 Pennsylvania St.
[APPLICATION NO. 9708748S.
[FOR FURTHER HEARING TODAY.

ACTION: **WITHDRAWN** at hearing by Tammy Haygood, attorney for appellant.

SPEAKERS: Tammy Haygood, attorney for appellant; and Ilene Yuspa, in support of the appellant.

There being no further business, President Cullum adjourned the meeting at 6:41 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 10, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR REHEARING:** Letter from Adam Slote, attorney for Sankon International USA, Ltd., requesting rehearing of Appeal Nos. 97-075 and 97-076. Hearing August 13, 1997. Upon motion by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the Police Department and **REVOKE** the Dance Hall Keeper and After Hours Dance Hall Keeper permits for the Club Touche at 300 De Haro Street.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 97-102

(A) JOVEN SANTA MARIA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[July 29, 1997, for work
[done at 32 Niagara Avenue.
[APPLICATION NO. 9714120.
[FOR HEARING TODAY.

APPEAL NO. 97-106

(B) ELDEN M. FONG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 8, 1997, for work
[done at 1806 - 9th Avenue.
[APPLICATION NO. 9119476.
[FOR HEARING TODAY.

APPEAL NO. 97-107

(C) ALBERT JOSHUA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on August 14, 1997,
[for work done at 1760-64
[Mission Street.
[ELECTRICAL PERMIT NO. 165985.
[FOR HEARING TODAY.

APPEAL NO. 97-113

(D) GLORIA ALLEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 21, 1997, for work
[done at 1370-1374 Hayes Street.
[APPLICATION NO. 9708369.
[FOR HEARING TODAY.

APPEAL NO. 97-108

(5) SOUTH BEACH MARINA APTS., LTD.,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 30,
[1997, to Washington Square Bar
[and Grill, permit to Alter a
[Building (convert existing
[printing plant into full
[service restaurant) at
[760 Second Street.
[APPLICATION NO. 9709088S.
[FOR HEARING TODAY.

APPEAL NO. 97-086

(6) BEVERLY SMITH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on June 18, 1997, of
[permit to Alter a Building
[(legalize third unit) at
[1331-1333 3rd Avenue.
[APPLICATION NO. 9707799.
[FOR HEARING TODAY.

APPEAL NO. 97-100

(7) THE 999 SUMMIT OWNERS' ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 6, 1997, of
[permit to Alter a Building
[(install prepainted metal roof
[canopy over Green Street
[entrance, including painted
[sign and soffit down lights)
[at 999 Green Street.
[APPLICATION NO. 9702869.
[FOR HEARING TODAY.

APPEAL NO. 96-177

(8) MARILYN WALDMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on December
[10, 1996, to Henry and Alda Pineda
[permit to Alter a Building (repair
[dry rot on deck) at 316 Chestnut
[Street.
[APPLICATION NO. 9623679.
[FOR HEARING TODAY.

APPEAL NO. 97-034

(9) JUDITH L. TEICHMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 6,
[1997, to John Field, permit to
[Alter a Building (residential
[fence) at 2561 Washington Street.
[APPLICATION NO. 9704119.
[FOR HEARING TODAY.

Date posted: September 4, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

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Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 10, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

ABSENT: Commissioner John McInerney.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **REQUEST FOR REHEARING:** Letter from Adam Slote, attorney for Sankon International USA, Ltd., requesting rehearing of Appeal Nos. 97-075 and 97-076. Hearing August 13, 1997. Upon motion by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the Police Department and **REVOKE** the Dance Hall Keeper and After Hours Dance Hall Keeper permits for the Club Touche at 300 De Haro Street.

ACTION: **WITHDRAWN** by attorney for appellant prior to hearing.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote on items 4A and 4D without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board took testimony on items 4B and 4C and decided the appeals individually.

APPEAL NO. 97-102

(A) JOVEN SANTA MARIA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[July 29, 1997, for work
[done at 32 Niagara Avenue.
[APPLICATION NO. 9714120.
[FOR HEARING TODAY.

ACTION: With consent of the department and without testimony, upon motion by Commissioner Chin, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $297.05 for a total of $594.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-106

(B) ELDEN M. FONG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 8, 1997, for work
[done at 1806 - 9th Avenue.
[APPLICATION NO. 9119476.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to five times the regular fee of $183.30 for a total of $916.50.

SPEAKERS: Elden Fong, appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 97-107

(C) ALBERT JOSHUA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on August 14, 1997,
[for work done at 1760-64
[Mission Street.
[ELECTRICAL PERMIT NO. 165985.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 1-3 (President Cullum, Commissioners Chin and Salgado dissented) to uphold the department and to sustain the penalty. Then upon motion by President Cullum, the Board voted 3-1 (Commissioner Schwartz dissented) to overrule the department with the condition that the penalty be reduced to four times the regular fee of $183.30 for a total $733.20. Four votes are needed to overrule a department and the motion failed. The penalty is **SUSTAINED.**

SPEAKERS: David Kimmel, agent for appellant; Laurence Kornfield, Chief Building Inspector and Paul Ortiz, Electrical Inspector for the Department of Building Inspection; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 97-113

(D) GLORIA ALLEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 21, 1997, for work
[done at 1370-1374 Hayes Street.
[APPLICATION NO. 9708369.
[FOR HEARING TODAY.

ACTION: With the consent of the department and without testimony, upon motion by Commissioner Chin, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $199.55 for a total of $399.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-108

(5) SOUTH BEACH MARINA APTS., LTD., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 30,
[1997, to Washington Square Bar
[and Grill, permit to Alter a
[Building (convert existing
[printing plant into full
[service restaurant) at
[760 Second Street.
[APPLICATION NO. 9709088S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS** as agreed to by the parties and submitted to the Board. The staff is to send the final decision and conditions to all relevant City departments.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Robert Passmore, Zoning Administrator for the Planning Department; Steve Vettel, attorney for appellant; and Peter Osborne, permit holder.

APPEAL NO. 97-086

(6) BEVERLY SMITH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on June 18, 1997, of
[permit to Alter a Building
[(legalize third unit) at
[1331-1333 3rd Avenue.
[APPLICATION NO. 9707799.
[FOR HEARING TODAY.

ACTION: After discussion, uopn motion by President Cullum, the Board voted 4- to **OVERRULE** the department and **GRANT** the permit with findings.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Marti Smith, agent for appellant; Lesley Pankopf, in support of appellant Laurence Kornfield, Chief Building Inspector for the Department of Build ing Inspection; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 97-100

(7) THE 999 SUMMIT OWNERS' ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 6, 1997, of
[permit to Alter a Building
[(install prepainted metal roof
[canopy over Green Street
[entrance, including painted
[sign and soffit down lights)
[at 999 Green Street.
[APPLICATION NO. 9702869.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 4- to **OVERRULE** the department with findings.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; a Kenneth Selvidge, agent for appellant.

APPEAL NO. 96-177

(8) MARILYN WALDMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on December
[10, 1996, to Henry and Alda Pined
[permit to Alter a Building (repai
[dry rot on deck) at 316 Chestnut
[Street.
[APPLICATION NO. 9623679.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **CALL OF THE CHAIR** prior to hearing with agreement of t parties by letter from Howard Wexler, attorney for appellant.

APPEAL NO. 97-034

(9) JUDITH L. TEICHMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 6,
[1997, to John Field, permit to
[Alter a Building (residential
[fence) at 2561 Washington Street.
[APPLICATION NO. 9704119.
[FOR HEARING TODAY.

ACTION: Without discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS** agreed to by the parties and submitted to the Board.

SPEAKERS: David Cincotta, attorney for appellant was present but did not speak.

There being no further business, President Cullum adjourned the meeting at 7:55 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

City Librarian
Document Section, Main Library
Attn: Jerry Roth
*** 2 copies ***

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 17, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

APPEAL NO. 97-092

(3) YELLOW CAB COOPERATIVE, INC., Appellant
vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Transfer Request from Yellow Cab Cooperative, Inc. by the Police Commission dated May 29, 1997.
[RESOLUTION NO. 73-97.
[FOR HEARING TODAY.

APPEAL NO. 97-093

(4) CHANGS INC., K.K.L. CAB COMPANY, STATE CAB COMPANY & HUEY, INC., Appellants
vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Transfer Request from Changs, Inc., K.K.L. Cab Company, State Cab Company and Huey, Inc. by the Police Commission dated May 1, 1997.
[RESOLUTION NO. 55-97.
[FOR HEARING TODAY.

APPEAL NO. 97-094

(5) TWIN PEAKS TRANSPORTATION COMPANY, Appellant
vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Transfer Request from Twin Peaks Transportation Company by the Police Commission dated May 1, 1997.
[RESOLUTION NO. 55-97.
[FOR HEARING TODAY.

APPEAL NO. 97-095

(6) VETERANS CAB COMPANY, Appellant
vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Transfer Request from Veterans Cab Company by the Police Commission dated May 1, 1997.
[RESOLUTION NO. 55-97.
[FOR HEARING TODAY.

APPEAL NO. 97-096

(7) LUXOR CABS, INC., Appellant
vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Transfer Request from Luxor Cabs, Inc. by the Police Commission dated May 1, 1997.
[RESOLUTION NO. 55-97.
[FOR HEARING TODAY.

APPEAL NO. 97-112

(8) THEATER DISTRICT NEIGHBORHOOD ASSN., Appellant
vs.
POLICE DEPARTMENT, Respondent

[Protesting granting on August
[5, 1997, to Celeste J. Shin,
[Cabaret permit for the Thai
[Noodle Cafe at 695 Geary Street.
[FOR HEARING TODAY.

APPEAL NO. 97-114

(9) GEORGE HAUSER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on August 25, 1997,
[of permit to Alter a Building
[(merger of four dwelling units
[to two dwelling units) at
[1275 Lombard Street.
[APPLICATION NO. 9714635.
[FOR HEARING TODAY.

APPEAL NO. 97-110

(10) 1550 BAY ST. TENANTS ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on August
[6, 1997, to Trinity Properties,
[permit to Alter a Building
[(demolition of interior non-
[bearing walls and partition
[common area on first floor)
[at 1550 Bay Street.
[APPLICATION NO. 9714816.
[FOR HEARING TODAY.

APPEAL NO. 97-109

(11) JULIETTE DOGMA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial by Zoning Administrator
[on July 31, 1997, of health per-
[mit referral for a wholesale bake
[at 169 Leland Avenue which is
[not permitted in an NC-2 District
[and prohibited in all neighborhoo
[commercial districts (Planning
[Code Section 703.2).
[FOR HEARING TODAY

Date posted: September 11, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
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MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
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San Francisco, California 94103-0939
(415) 554-6720

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7/97

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 17, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: Vice President McInerney requested an Executive Session be scheduled at the end of the October 8 calendar to discuss the Pay for Performance Program and setting goals and objectives for the department head.

Items (3), (4), (5), (6) and (7) were heard together

APPEAL NO. 97-092

(3) YELLOW CAB COOPERATIVE, INC., Appellant
vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Transfer Request from Yellow Cab Cooperative, Inc. by the Police Commission dated May 29, 1997. [RESOLUTION NO. 73-97. [FOR HEARING TODAY.

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POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Transfer Request from Luxor Cabs, Inc. by the Police Commission dated May 1, 1997.
[RESOLUTION NO. 55-97.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 2-3 (President Cullum, Commissioners Salgado and Schwartz dissented) to overrule the Police Commission and allow the taxicab stock transfer. Four votes are needed and the motion fails. Then upon motion by Vice President McInerney, the Board voted 4-1 (Commissioner Salgado dissented) to **CONTINUE** the matter to **October 8, 1997** for the City Attorney's advice on a possible decision to split the decision on the corporate permits.

SPEAKERS: Judith Boyajian and Thomas Owen, Deputy City Attorneys; Mark Gruberg, Tara Houseman, Charles Rathbone, Rauch Graffis, Christopher Collins, Jote Kejela, in support of the Police Commission; Wayne Canterbury and Robert McCarthy, attorneys for Veterans Cab and Twin Peaks Transportation

Company; Philip Ward, attorney for Yellow Cab; Norman Lew, attorney for Changs, Inc., K.K.L. Cab Company, State Cab Company and Huey, Inc.; and Margaret Saragosa, Frank Valentino, Michael Spain, Morgan Jacobs Carpenter, Michael Milne, Rodney Gaspard, Stuart Seligson, Mae Tong, Ken Tong, Jose Labrador, William Harjo, in support of appellants.

The Board recessed from 7:15 to 7:31 p.m.

APPEAL NO. 97-112

(8) THEATER DISTRICT NEIGHBORHOOD ASSN., Appellant
vs.
POLICE DEPARTMENT, Respondent

[Protesting granting on August
[5, 1997, to Celeste J. Shin,
[Cabaret permit for the Thai
[Noodle Cafe at 696 Geary Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 (Commissioner Salgado absent from room) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Phillip Faight, appellant; Robert Garcia, Gwendolyn Wright, in support of the appellant; Sergeant William Coggan, attorney for S.F.P.D.; Kern Shin, agent for appellant; and Tara Houseman and Harold Brown, in support of permit holder.

The Board recessed from 8:17 to 8:28 p.m. Commissioner Salgado left the dais at 8:50 to make an emergency phone call and returned at 8:59 p.m.

APPEAL NO. 97-114

(9) GEORGE HAUSER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on August 25, 1997,
[of permit to Alter a Building
[(merger of four dwelling units
[to two dwelling units) at
[1275 Lombard Street.
[APPLICATION NO. 9714635.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 2-3 (Vice President McInerney, Commissioners Chin and Salgado dissented) to **UPHOLD** the department and **DENY** the permit. Then upon motion by Vice President McInerney, the Board voted 3-2 (President Cullum and Commissioner Schwartz dissented) to overrule the department and grant the permit. Four votes are needed and the motion fails. The permit is **DENIED** and the departments are **UPHELD**.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Barbara Kemp, Frank Roa, Robert DeVries, attorney for Barbara Kemp, Fred Campbell, in support of the department; Jeremy Paul, agent for appellant; George Hauser, appellant; Captain Rene Peinado, Carlos Alvarez, in support of appellant; and Judith Boyajian, Deputy City Attorney.

The Board recessed from 9:55 to 10:02 p.m.

APPEAL NO. 97-110

(10) 1550 BAY ST. TENANTS ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on August
[6, 1997, to Trinity Properties,
[permit to Alter a Building
[(demolition of interior non-
[bearing walls and partition
[common area on first floor)
[at 1550 Bay Street.
[APPLICATION NO. 9714816.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 4-0 to **RECUSE** Vice President McInerney because his firm represents the permit holder on other matters. Then after testimony and discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to **OVERRULE** the department and **REVOKE** the permit.

SPEAKERS: Paul Wartelle and Howard Kahn, for appellant; Robert Passmore, Zoning Administrator for the Planning Department; Peter Gable and James O'Donnell in support of appellant; Jack Wholey, attorney for permit holder; George Bovone, general contractor for permit holder; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; Judith Boyajian, Deputy City Attorney.

Item 11 was heard before Item 10 and Vice President McInerney left the dais at 10:18 p.m. before testimony on Appeal No. 97-110.

APPEAL NO. 97-109

(11) JULIETTE DOGMA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial by Zoning Administrator
[on July 31, 1997, of health per-
[mit referral for a wholesale bakery
[at 169 Leland Avenue which is
[not permitted in an NC-2 District
[and prohibited in all neighborhood
[commercial districts (Planning
[Code Section 703.2).
[FOR HEARING TODAY

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **CONTINUE** the matter to **October 29, 1997** to allow time for the staff to draft findings to support a decision favorable to the appellant.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Juliette Dogma, appellant; and Leonard Genora, in support of appellant.

There being no further business, President Cullum adjourned the meeting at 11:12 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, OCTOBER 8, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR JURISIDCTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from John M. Sanger, requesting that the Board take jurisdiction over Building Permit Application No. 9304568S issued to Charles R. Thomas to construct a roof deck, staircase penthouse and windscreen at 406-410 Lombard Street.

Date issued	January 12, 1995
Last day to appeal	January 27, 1995
Request for jurisdiction	September 18, 1997

APPEAL NO. 97-092

(4) YELLOW CAB COOPERATIVE, INC., Appellant
vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Transfer Request from Yellow Cab Cooperative, Inc. by the Police Commission dated May 29, 1997. [RESOLUTION NO. 73-97. [PUBLIC HEARING HELD AND CLOSED [ON SEPTEMBER 17, 1997. MATTER [CONTINUED FOR FURTHER CONSIDERATION BY BOARD.

APPEAL NO. 97-093

(5) CHANGS INC., K.K.L. CAB CO., STATE CAB COMPANY & HUEY, INC., Appellants
vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Transfer Request from Changs, Inc., K.K.L. Cab Company, State Cab Company and Huey, Inc. by the Police Commission dated May 1, 1997. [RESOLUTION NO. 55-97. [PUBLIC HEARING HELD AND CLOSED [ON SEPTEMBER 17, 1997. MATTER [CONTINUED FOR FURTHER CONSIDERATION BY BOARD.

APPEAL NO. 97-094

(6) TWIN PEAKS TRANSPORTATION COMPANY, Appellant
vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Transfer Request from Twin Peaks Transportation Company by the Police Commission dated May 1, 1997. [RESOLUTION NO. 55-97. [PUBLIC HEARING HELD AND CLOSED [ON SEPTEMBER 17, 1997. MATTER [CONTINUED FOR FURTHER CONSIDERATION BY BOARD.

APPEAL NO. 97-095

(7) VETERANS CAB COMPANY, Appellant
vs.
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[Denial of Taxicab Stock Transfer Request from Veterans Cab Company by the Police Commission dated May 1, 1997.
[RESOLUTION NO. 55-97.
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APPEAL NO. 97-096

(8) LUXOR CABS, INC., Appellant
vs.
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[RESOLUTION NO. 55-97.
[PUBLIC HEARING HELD AND CLOSED ON SEPTEMBER 17, 1997. MATTER CONTINUED FOR FURTHER CONSIDERATION BY BOARD.

Items (9A) and (9B) shall be heard together

APPEAL NO. 97-117

(9A) MICHAEL LOGAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 29, 1997, to Eamon Herlihy and Richard Hart, permit to Erect a Building (eight artisan quarters) at 260-264 Clara St.
[APPLICATION NO. 9621195S.
[FOR HEARING TODAY.

APPEAL NO. 97-118

(9B) SHARON GRACE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 29, 1997, to Eamon Herlihy and Richard Hart, permit to Erect a Building (eight artisan quarters) at 260-264 Clara St.
[APPLICATION NO. 9621195S.
[FOR HEARING TODAY.

APPEAL NO. 97-123

(10) S.F. TOMORROW & MISSION CREEK HARBOR ASSN., Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Zoning Administrator's determination dated September 4, 1997, requesting that the Board of Appeals add several conditions to the authorization for the temporary use of the Mission Bay property (block bounded by Third St., T.A. Francois Blvd. and Mission Rock St.; portion of block south of Mission Rock St. between Fourth St. and T.A. Francois Blvd. portion of block south of China Basin Channel and west of Third and Fourth Sts.; and portion of block bounded by Third and Fourth Sts. and the China Basin Channel for interim ballpark parking lot.
[FOR HEARING TODAY.

(11A) **PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.**

(11B) **CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b).**

PUBLIC EMPLOYEE EVALUATION: Robert Feldman, Executive Secretary

(11C) **RECONVENE IN OPEN SESSION TO VOTE WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (San Francisco Administrative Code Section 67.10(b).**

Date posted: October 2, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

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Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

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Board of Appeals
Robert H. Feldman, Executive Secretary
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San Francisco, California 94103-0939
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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, OCTOBER 8, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Deputy Director of Permit Services and Hanson Tom, Major Projects, Plans Approval Division for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **REQUEST FOR JURISIDCTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from John M. Sanger, requesting that the Board take jurisdiction over Building Permit Application No. 9304568S issued to Charles R. Thomas to construct a roof deck, staircase penthouse and windscreen at 406-410 Lombard Street.

Date issued	January 12, 1995
Last day to appeal	January 27, 1995
Request for jurisdiction	September 18, 1997

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **GRANT** jurisdiction. Mr. Sanger has fifteen days to file an appeal.

SPEAKERS: Dennis McElrath for John Sanger; and Jeremy Paul for Charles Thomas.

Items (4) through (8) were heard together

APPEAL NO. 97-092

(4) YELLOW CAB COOPERATIVE, INC., Appellant
vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Transfer Request from Yellow Cab Cooperative, Inc. by the Police Commission dated May 29, 1997.
[RESOLUTION NO. 73-97.
[PUBLIC HEARING HELD AND CLOSED ON SEPTEMBER 17, 1997. MATTER CONTINUED FOR FURTHER CONSIDERATION BY BOARD.

APPEAL NO. 97-093

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APPEAL NO. 97-096

(8) LUXOR CABS, INC., Appellant
vs.
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[Denial of Taxicab Stock Transfer Request from Luxor Cabs, Inc. by the Police Commission dated May 1, 1997. [RESOLUTION NO. 55-97. [PUBLIC HEARING HELD AND CLOSED ON SEPTEMBER 17, 1997. MATTER CONTINUED FOR FURTHER CONSIDERATION BY BOARD.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 4-1 (Commissioner Salgado dissented) to **OVERRULE** the Police Commission with findings and **CONDITIONALLY GRANTS** the requests for transfers and redemptions when the cumulative transfer of stock ownership or assets of a corporate permittee equals or exceeds 10% of total of stock ownership or assets, then a prorated number of corporately owned permits shall be revoked by the Police Department according to the following formula: the number of permits to be revoked equals the cumulative transfer percentage times the total number of corporate permits (rounded).

SPEAKER: Judith Boyajian, Deputy City Attorney.

APPEAL NO. 97-117

(9A) MICHAEL LOGAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 29, 1997, to Eamon Herlihy and Richard Hart, permit to Erect a Building (eight artisan quarters) at 260-264 Clara St. [APPLICATION NO. 9621195S. [FOR HEARING TODAY.

ACTION: **WITHDRAWN** by appellant prior to hearing.

APPEAL NO. 97-118

(9B) SHARON GRACE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 29, 1997, to Eamon Herlihy and Richard Hart, permit to Erect a Building (eight artisan quarters) at 260-264 Clara St. [APPLICATION NO. 9621195S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 3-2 (President Cullum and Commissioner Salgado dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Sharon Grace, appellant; Clifton Grantham, Judy West, Tony Panci, in support of the appellant; Robert Passmore, Zoning Administrator for the Planning Department; James Hutchinson, Deputy Director of Permit Services and Hanson Tom, Manager, Major Projects, Plans Approval Division for the Department of Building Inspection; Alice Barkley, attorney for permit holder; Joe Cassidy, contractor, and Joe O'Donoghue, in support of the permit holders.

APPEAL NO. 97-123

(10) S.F. TOMORROW & MISSION CREEK HARBOR ASSN., Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Zoning Administrator's determination dated September 4, 1997, requesting that the Board of Appeals add several conditions to the authorization for the temporary use of the Mission Bay property (block bounded by Third St., T.A. Francois Blvd. and Mission Rock St.; portion of block south of Mission Rock St. between Fourth St. and T.A. Francois Blvd.; portion of block south of China Basin Channel and west of Third and Fourth Sts.; and portion of block bounded by Third and Fourth Sts. and the China Basin Channel) for interim ballpark parking lots. FOR HEARING TODAY.

ACTION: **WITHDRAWN** by appellants prior to hearing.

The Board recessed from 8:00 to 8:10 p.m.

(11A) **PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.**

SPEAKERS: None.

(11B) **CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b).**

PUBLIC EMPLOYEE EVALUATION: Robert Feldman, Executive Secretary

ACTION: Board and employee discussed goals and objectives for the year.

(11C) **RECONVENE IN OPEN SESSION TO VOTE WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (San Francisco Administrative Code Section 67.10(b).**

ACTION: On motion by Commissioner Schwartz to not disclose any or all discussions held in closed session, the Board voted 5-0 to not dislose. A committee of Vice President McInerney and Commissioner Schwartz was formed to meet with the executive secretary and prepare goals and objectives for Board adoption.

There being no further business, President Cullum adjourned the meeting at 8:37 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, OCTOBER 29, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Carol S. Brooks and Mary Joy Thomas requesting that the Board take jurisidiction over Building Permit Application No. 9706409S issued to William Holloway for parapet work on sideyard shed at 1969 California Street.

Date issued	August 12, 1997
Last day to appeal	August 27, 1997
Request for jurisdiction	September 23, 1997

ITEM B: Letter from Christine Linnenbach requesting that the Board take jurisdiction over the Zoning Administrator's determination that structural improvements to reinforce Sutro Tower does not require amendment to the conditional use permit granted in 1966 by the Planning Commission.

Date issued	May 24, 1996
Last day to appeal	June 10, 1996
Request for jurisdiction	September 23, 1997

ITEM C: Letter from the Western Addition Coalition and Planning Around Divisadero Street, requesting that the Board take jurisdiction over Building Permit Application No. 9716658 issued to BKS, Inc. to remodel an existing restaurant building to open a Burger King fast food restaurant at 500 Divisadero Street.

Date issued	September 9, 1997
Last day to appeal	September 24, 1997
Request for jurisdiction	October 7, 1997

REQUEST FOR REHEARING:

ITEM D: Letter from Jeremy Paul, agent for George Hauser, appellant requesting rehearing of Appeal No. 97-114, 1275 Lombard Street. Hearing September 17, 1997. Upon motion by President Cullum, the Board voted 2-3 (Vice President McInerney, Commissioners Chin and Salgado dissented) to **UPHOLD** the department and **DENY** the permit. Then upon motion by Vice President McInerney, the Board voted 3-2 (President Cullum and Commissioner Schwartz dissented) to overrule the department and grant the permit. Four votes are needed and the motion fails. The permit is **DENIED** and the departments are **UPHELD**.

Items (4A) and (4B) shall be heard together

APPEAL NO. 97-121

(4A) IAN BERKE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[September 5, 1997, to Clay
[Street Development, permit
[to Demolish a Building
[(two-unit residence) at
[2861 Clay Street.
[APPLICATION NO. 9700123.
[FOR HEARING TODAY.

APPEAL NO. 97-122

(4B) IAN BERKE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on [September 5, 1997, to Clay [Street Development, permit [to Erect a Building (three-[unit residence) at [2861 Clay Street. [APPLICATION NO. 9700124S. [FOR HEARING TODAY.

APPEAL NO. 97-125

(5) JAMES W. SMITH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on [September 11, 1997, to Fred [Luhman, permit to Alter a [Building (construct new roof [deck) at 3870 - 21st Street. [APPLICATION NO. 9717767. [FOR HEARING TODAY.

(6A) **PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.**

(6B) **CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINI TRATIVE CODE SECTION 67.10(b).**

PUBLIC EMPLOYEE EVALUATION: Robert Feldman, Executive Secretary

(6C) **RECONVENE IN OPEN SESSION TO VOTE WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HE IN CLOSED SESSION (San Francisco Administrative Code Section 67.10(b).**

Dated posted: October 23, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
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MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, OCTOBER 29, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKER: Philip Babcock said Vice President McInerney should resign from the Board of Appeals because he represents clients that appear before other boards and commissions in the City and he believes it is a conflict of interest.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Carol S. Brooks and Mary Joy Thomas requesting that the Board take jurisidiction over Building Permit Application No. 9706409S issued to William Holloway for parapet work on sideyard shed at 1969 California Street.

Date issued	August 12, 1997
Last day to appeal	August 27, 1997
Request for jurisdiction	September 23, 1997

at least 72 hours in advance of need.

ACTION: Upon motion by President Cullum, the Board voted 4-0 to **RECUSE** Vice President McInerney because his firm represents the permit holder on other matters. Then after testimony and discusssion, upon motion by President Cullum, the Board voted 4-0 to **GRANT** jurisdiction. Mses. Brooks and Thomas have fifteen days to file an appeal.

SPEAKERS: Mary Joy Thomas, requestor; William Holloway, permit holder; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

Item C was heard before Item A and Vice President McInerney left the dais at 7:08 and returned at 7:30 p.m.

ITEM B: Letter from Christine Linnenbach requesting that the Board take jurisdiction over the Zoning Administrator's determination that structural improvements to reinforce Sutro Tower does not require amendment to the conditional use permit granted in 1966 by the Planning Commission.

Date issued	May 24, 1996
Last day to appeal	June 10, 1996
Request for jurisdiction	September 23, 1997

ACTION: **WITHDRAWN** prior to hearing by Ms. Linnenbach.

ITEM C: Letter from the Western Addition Coalition and Planning Around Divisadero Street, requesting that the Board take jurisdiction over Building Permit Application No. 9716658 issued to BKS, Inc. to remodel an existing restaurant building to open a Burger King fast food restaurant at 500 Divisadero Street.

Date issued	September 9, 1997
Last day to appeal	September 24, 1997
Request for jurisdiction	October 7, 1997

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 2-3 (Vice President McInerney, Commissioners Chin and Schwartz dissented) to continue the matter to November 19, 1997 for advice from the Planning Commission. Then after testimony and discussion, upon motion by Commissioner Schwartz, the Board voted 3-2 (Vice President McInerney and Commissioner Chin dissented) to grant jurisdiction. Four votes are needed and the request is **DENIED**.

SPEAKERS: Patricia Vaughey, requestor; Alice Barkley, attorney for permit holder; Robert Passmore, Zoning Administrator for the Planning Department; James Hutchinson, Deputy Director of Permit Services for the Department of Building Inspection; and Judith Boyajian, Deputy City Attorney.

REQUEST FOR REHEARING:

ITEM D: Letter from Jeremy Paul, agent for George Hauser, appellant requesting rehearing of Appeal No. 97-114, 1275 Lombard Street. Hearing September 17, 1997.

Upon motion by President Cullum, the Board voted 2-3 (Vice President McInerney, Commissioners Chin and Salgado dissented) to uphold the department and deny the permit. Then upon motion by Vice President McInerney, the Board voted 3-2 (President Cullum and Commissioner Schwartz dissented) to overrule the department and grant the permit. Four votes are needed and the motion fails. The permit is **DENIED** and the departments are **UPHELD**.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-1 (Commissioner Schwartz dissented) to **GRANT** rehearing and scheduled it for **December 3, 1997** with the agreement of the parties.

SPEAKERS: James Reuben, attorney for appellant; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Robert Devries, attorney for tenant.

Items (4A) and (4B) were heard together

APPEAL NO. 97-121

(4A) IAN BERKE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[September 5, 1997, to Clay
[Street Development, permit
[to Demolish a Building
[(two-unit residence) at
[2861 Clay Street.
[APPLICATION NO. 9700123.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

APPEAL NO. 97-122

(4B) IAN BERKE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[September 5, 1997, to Clay
[Street Development, permit
[to Erect a Building (three-
[unit residence) at
[2861 Clay Street.
[APPLICATION NO. 9700124S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS** agreed to by the parties: 1. Lightwell to be four feet deep as required by the Building Code. 2. Facade to be of compatible surface materials (i.e. tongue-in-groove 1" x 4" wood). 3. Lightwell to be painted in a light or off-white color. 4. Dormer to be lowered 30" (2½').

at least 72 hours in advance of need.

SPEAKERS: Ian Berke, appellant; Anne Bloomfield, Peter McInerney and Dick Yamagami in support of appellant; Jack Wholey, attorney for permit holder; Rober Passmore, Zoning Administrator for the Planning Department; Laurenc Kornfield, Chief Building Inspector for the Department of Building Inspec tion; George Hauser, architect for permit holder; and Jeremy Paul, i support of permit holder.

APPEAL NO. 97-125

(5) JAMES W. SMITH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on [September 11, 1997, to Fred [Luhman, permit to Alter a [Building (construct new roof [deck) at 3870 - 21st Street. [APPLICATION NO. 9717767. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInenery, the Boar voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: James Smith, appellant; and Fred Luhman, permit holder.

The Board recessed from 9:01 to 9:18 p.m.

(6A) **PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.**

SPEAKERS: None.

(6B) **CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMI ISTRATIVE CODE SECTION 67.10(b).**

PUBLIC EMPLOYEE EVALUATION: Robert Feldman, Executive Secretary

ACTION: Board and employee discussed goals and objectives for the year.

(6C) **RECONVENE IN OPEN SESSION TO VOTE WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HE IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b).**

ACTION: On motion by Commissioner Schwartz to not disclose any or all discussio held in closed session, the Board voted 5-0 to not disclose.

There being no further business, President Cullum adjourned the meeting at 9:23 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

at least 72 hours in advance of need.

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11/5/97

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, NOVEMBER 5, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 97-116

(A) ZHENWEI GUAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[September 4, 1997, for work
[done at 860 Jamestown Avenue.
[APPLICATION NO. 9713552.
[FOR HEARING TODAY.

APPEAL NO. 97-120

(B) YEFIM SKOMOROVSKY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[September 12, 1997, for work
[done at 1547-59 Treat Street.
[APPLICATION NO. 9714231.
[FOR HEARING TODAY.

APPEAL NO. 97-127

(C) MICHAEL LUI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Imposition of Penalty on
[September 24, 1997, for work
[done at 2963 - 23rd Avenue.
[APPLICATION NO. 9718861.
[FOR HEARING TODAY.

APPEAL NO. 97-128

(D) JESUS LOPEZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[September 26, 1997, for work
[done at 1050 Jamestown Avenue.
[APPLICATION NO. 9708442.
[FOR HEARING TODAY.

APPEAL NO. 97-129

(E) EMILY K. NABI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 1, 1997, for work
[done at 475 Paris Street.
[APPLICATION NO. 9719362.
[FOR HEARING TODAY.

APPEAL NO. 97-130

(F) YAO-BIN CAI & YAN HONG WEI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on October 7, 1997,
[for work done at 62 Glad-
[stone Drive.
[APPLICATION NO. 9712294.
[FOR HEARING TODAY.

APPEAL NO. 97-115

(4) MARY HSU, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Revocation on August 27, 1997, [of merchandise display permit [for the public right-of-way [fronting 765 Jackson Street. [PERMIT NO. 97D-056. [FOR HEARING TODAY.

APPEAL NO. 97-126

(5) ROB HANDELAND, JENNIFER SCAFF KING, PENELOPE CLARK, FRANK AND MARGARET MORROW, JOHN HORVERS, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Zoning Administrator [determination issued to George [Hauser, architect, dated Septem- [ber 9, 1997, that 1265 Lombard [Street is the location of the [qualifying rear building wall [to be used for a reduction in [rear yard requirements for work [proposed by Rene Peinado at 1269 [Lombard Street. Within the [structure at 1265 Lombard Street [the wall at the back of the bath- [room at approximately 94 feet [from the front property line, [is 20 feet above grade in height [for at least 1/2 the width of [the subject lot, and therefore [meets the criteria of a quali- [fying wall to be used for rear [yard averaging. [FOR HEARING TODAY.

Date posted: October 30, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Carole Cullum, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 554-9510.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, NOVEMBER 5, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote on items 3A, 3B and 3F without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board took testimony on items 3C, 3D and 3E and decided the appeals individually.

APPEAL NO. 97-116

(A) ZHENWEI GUAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[September 4, 1997, for work
[done at 860 Jamestown Avenue.
[APPLICATION NO. 9713552.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $297.05 for a total of $594.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-120

(B) YEFIM SKOMOROVSKY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[September 12, 1997, for work
[done at 1547-59 Treat Street.
[APPLICATION NO. 9714231.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $134.55 for a total of of $269.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-127

(C) MICHAEL LUI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Imposition of Penalty on
[September 24, 1997, for work
[done at 2963 - 23rd Avenue.
[APPLICATION NO. 9718861.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to four times the regular fee of $297.05 for a total of $1,188.20.

SPEAKERS: Michael Lui, appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 97-128

(D) JESUS LOPEZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[September 26, 1997, for work
[done at 1050 Jamestown Avenue.
[APPLICATION NO. 9708442.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $134.55 for a total of $269.10.

SPEAKERS: Francisco Ortiz, interpreter for appellant; Jesus Lopez, appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 97-129

(E) EMILY K. NABI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 1, 1997, for work
[done at 475 Paris Street.
[APPLICATION NO. 9719362.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-1 (Vice President McInerney dissented) to **OVERRULE** the department with the **CONDTION** that the penalty be reduced to three times the regular fee of $459.55 for a total of $1,378.65.

SPEAKERS: John Marsh, agent for appellant; Laurence Kornfield, Chief Building Inspection, Chief Building Inspector for the Department of Building Inspection.

The Board recessed from 6:37 to 6:43 p.m.

APPEAL NO. 97-130

(F) YAO-BIN CAI & YAN HONG WEI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on October 7, 1997,
[for work done at 62 Glad-
[stone Drive.
[APPLICATION NO. 9712294.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $459.55 for a total of $919.10.

SPEAKERS: The appellant Yan Hong Wei was present but did not speak.

APPEAL NO. 97-115

(4) MAY HSU, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Revocation on August 27, 1997,
[of merchandise display permit
[for the public right-of-way
[fronting 768 Jackson Street.
[PERMIT NO. 97D-056.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to **CONTINUE** the matter to **December 10, 1997** with stipulations that the appellant must pay all outstanding fines for violations within ten days of November 5, must comply strictly with all DPW sidewalk merchandise regulations, and the truck cannot be parked for more than 30 minutes at a time in front of the shop at 768 Jackson Street.

SPEAKERS: Edward Hsu, agent for appellant; May Hsu, appellant; Robert Horn, Inspector and Denise Brady, Bureau Chief, Bureau Street-Use and Mapping; Judith Boyajian, Deputy City Attorney; and Officer Leon Surhando, S.F.P.D.

APPEAL NO. 97-126

ROB HANDELAND, JENNIFER SCAFF KING, PENELOPE CLARK, FRANK AND MARGARET MORROW, JOHN HORVERS, Appellants

(5) vs.

ZONING ADMINISTRATOR, Respondent

[Appeal of Zoning Administrator [determination issued to George [Hauser, architect, dated Septem- [ber 9, 1997, that 1265 Lombard [Street is the location of the [qualifying rear building wall [to be used for a reduction in [rear yard requirements for work [proposed by Rene Peinado at 1269 [Lombard Street. Within the [structure at 1265 Lombard Street [the wall at the back of the bath- [room at approximately 94 feet [from the front property line, [is 20 feet above grade in height [for at least 1/2 the width of [the subject lot, and therefore [meets the criteria of a quali- [fying wall to be used for rear [yard averaging. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 3-2 (President Cullum and Commissioner Schwartz dissented) to **UPHOLD** the Zoning Administrator.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; James Reuben, attorney for project sponsor; Frank Morrow, appellant; Randall Faccinto, attorney for appellants; Greg Campbell, in support of appellants; F. Joseph Butler, architect for appellants; and Judith Boyajian, Deputy City Attorney.

There being no further business, President Cullum adjourned the meeting at 8:12 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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/19/97

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, NOVEMBER 19, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **CONSENT ITEMS**: With the consent of the Police Department after the submittal of acceptable proof of the appellant having paid the appropriate annual fee, the Board will proceed to a single vote on all Police revocation items, without testimony, to overrule the Police Department's revocations, and to reinstate the permits. Without departmental consent the Board will conduct a public hearing and then decide the appeal individually.

APPEAL NO. 97-135

(A) RONALD R. LANZA, dba "JOSIE'S CABARET & JUICE JOINT", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 10, 1997,
[of Place of Entertainment permit
[at 3583 - 16th Street.
[PERMIT NO. 000742.
[FOR HEARING TODAY.

APPEAL NO. 97-138

(B) DAVID KIELY, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 10, 1997,
[of Driver Public Passenger
[Vehicle permit.
[PERMIT NO. 047035.
[FOR HEARING TODAY.

APPEAL NO. 97-140

(C) ST. GEORGE PATHFINDERS, INC., Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 14, 1997,
[of Place of Entertainment permit
[permit at 6231 Geary Blvd.
[PERMIT NO. 000817
[FOR HEARING TODAY.

(4) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will conduct a public hearing and then decide the appeal individually.

APPEAL NO. 97-131

(A) POLLY CHAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[September 24, 1997, for work
[done at 15 Rotteck Street.
[APPLICATION NO. 9716652.
[FOR HEARING TODAY.

APPEAL NO. 97-133

(B) DENNIS DROGITIS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 15, 1997, for work
[done at 12 Navajo Avenue.
[APPLICATION NO. 9710418.
[FOR HEARING TODAY.

APPEAL NO. 97-136

(C) BONNIE YU, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 17, 1997, for work
[done at 41 Rudden Avenue.
[APPLICATION NO. 9716579.
[FOR HEARING TODAY.

APPEAL NO. 97-044

(5) STEPHEN M. WILLIAMS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 12,
[1997, to Ashbourne Construction,
[permit to Erect a Building (four
[story, three unit dwelling) at
[2617 Sutter Street.
[APPLICATION NO. 9509062S.
[FOR REHEARING ON REMAND TODAY.
[ORDERED BY PEREMPTORY WRIT OF
[MANDAMUS REMANDING THE MATTER
[BACK TO THE BOARD AND COMMANDING
[IT TO SET ASIDE ITS PRIOR DECI-
[SION AND RECONSIDER THE PERMIT
[APPLICATION AND DETERMINE IF THE
[PROJECT COMPLIES WITH THE RESI-
[DENTIAL DESIGN GUIDELINES OF
[PLANNING CODE SECTION 311 (SU-
[PERIOR COURT CASE NO. 987418).

APPEAL NO. 97-134

(6) MARK CASAGRANDA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on October 3, 1997,
[of permit to Alter a Building
[(to provide an exit door from
[stair penthouse and raise roof
[line of penthouse 1"5") at
[45-47 Telegraph Place.
[APPLICATION NO. 9712786.
[FOR HEARING TODAY.

APPEAL NO. 97-119

(7) 81 LANSING ST. HOMEOWNERS ASSN., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[29, 1997, to Daniel Colangelo,
[permit to Alter a Building
[(convert mezzanine and second
[story from office/commercial
[to live/work; ground floor to
[remain office/commercial; add
[new 175 s.f. roof deck) at
[75 Lansing Street.
[APPLICATION NO. 9704686S.
[FOR HEARING TODAY.

APPEAL NO. V97-132

(8) KEVIN O'BRIEN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Rear Yard Variance
[granted to Richard Goodyear,
[to construct at 17-foot high
[fence along the east property
[line within the required rear
[yard at the north end of the
[property at 940 Green Street.
[VARIANCE CASE NO. 97.280V.
[FOR HEARING TODAY.

Date posted: November 13, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

PROCEDURE AT HEARINGS

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In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

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Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, NOVEMBER 19, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

DOCUMENTS DEPT.
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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Laurie J. Norris, Official Court Reporter.

Laurie J. Norris, substituting for Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **CONSENT ITEMS:** With the consent of the Police Department after the submittal of acceptable proof of the appellant having paid the appropriate annual fee, the Board proceeded to a single vote on all Police revocation items, without testimony, to overrule the Police Department's revocations, and to reinstate the permits.

APPEAL NO. 97-135

(A) RONALD R. LANZA, dba "JOSIE'S CABARET & JUICE JOINT", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 10, 1997,
[of Place of Entertainment permit
[at 3583 - 16th Street.
[PERMIT NO. 000742.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 (Vice President McInerney absent) to **OVERRULE** the department with the **CONDITION** that the annual fee be paid to the Tax Collector within 10 days.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-138

(B) DAVID KIELY, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 10, 1997,
[of Driver Public Passenger
[Vehicle permit.
[PERMIT NO. 047035.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 (Vice President McInerney absent) to **OVERRULE** the department with the **CONDITION** that the annual fee be paid to the Tax Collector within 10 days.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-140

(C) ST. GEORGE PATHFINDERS, INC., Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 14, 1997,
[of Place of Entertainment permit
[permit at 6231 Geary Blvd.
[PERMIT NO. 000817
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 (Vice President McInerney absent) to **OVERRULE** the department with the **CONDITION** that the annual fee be paid to the Tax Collector within 10 days.

SPEAKERS: The appellant was present but did not speak.

Vice President McInerney arrived at 6:17 p.m.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote on items 4B and 4C without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board took testimony on item 4A and decided the appeal.

APPEAL NO. 97-131

(A) POLLY CHAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[September 24, 1997, for work
[done at 15 Rotteck Street.
[APPLICATION NO. 9716652.
[FOR HEARING TODAY.

ACTION: After testimony and discussion, upon motion by President Cullum, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to four times the regular fee of $102.05 for $408.20.

SPEAKERS: Polly Chan, appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 97-133

(B) DENNIS DROGITIS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 15, 1997, for work
[done at 12 Navajo Avenue.
[APPLICATION NO. 9710418.
[FOR HEARING TODAY.

ACTION: With no testimony, upon motion by Commissioner Chin, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $329.55 for a total of $659.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-136

(C) BONNIE YU, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 17, 1997, for work
[done at 41 Rudden Avenue.
[APPLICATION NO. 9716579.
[FOR HEARING TODAY.

ACTION: With no testimony, upon motion by Commissioner Chin, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $248.30 for a total of $496.60.

SPEAKERS: The appellant was present but did not speak.

Item 5 was heard before Item 4.

APPEAL NO. 97-044

(5) STEPHEN M. WILLIAMS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 12,
[1997, to Ashbourne Construction,
[permit to Erect a Building (four
[story, three unit dwelling) at
[2617 Sutter Street.
[APPLICATION NO. 9509062S.
[FOR REHEARING ON REMAND TODAY.
[ORDERED BY PEREMPTORY WRIT OF
[MANDAMUS REMANDING THE MATTER

[BACK TO THE BOARD AND COMMANDING
[IT TO SET ASIDE ITS PRIOR DECI-
[SION AND RECONSIDER THE PERMIT
[APPLICATION AND DETERMINE IF THE
[PROJECT COMPLIES WITH THE RESI-
[DENTIAL DESIGN GUIDELINES OF
[PLANNING CODE SECTION 311 (SU-
[PERIOR COURT CASE NO. 987418).

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to **RESCIND** its earlier decision as required by the Superior Court. Then after testimony and discussion, the Board voted 4-1 (Vice President McInerney dissented) to **OVERRULE** the department and **REVOKE** the permit with findings.

SPEAKERS: Stephen Williams, appellant; Kathleen Daly, Minnie, Marcel E. Conrad, III, Morton Linder, Nadya Disend, Chere Burdette, Vanessa Conrad, David F. McAuliffe, Sally Cancelmo, John Barby, Beth Wells, Shiela Carter, Richard Butterfield, Hilda Kidder, Tony Kilroy, Mary Anne Miller, Doug Delano, Bob Patterson, Father Robert Curran, John Wickett, Lee Blue, Frank Kidder, Sue Hestor, Jake McGoldrick, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley, attorney for permit holder; and Judith Boyajian, Deputy City Attorney.

Commissioner Salgado left the dais at 8:21 p.m. The Board recessed from 8:21 to 8:23 p.m.

APPEAL NO. 97-134

(6) MARK CASAGRANDA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on October 3, 1997,
[of permit to Alter a Building
[(to provide an exit door from
[stair penthouse and raise roof
[line of penthouse 1"5") at
[45-47 Telegraph Place.
[APPLICATION NO. 9712786.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department and **GRANT** the permit.

SPEAKERS: Mark Casagranda, appellant; Ron Wallace, architect for appellant; Donald Toan, in support of the department; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 97-119

(7) 81 LANSING ST. HOMEOWNERS ASSN., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August [29, 1997, to Daniel Colangelo, [permit to Alter a Building [(convert mezzanine and second [story from office/commercial [to live/work; ground floor to [remain office/commercial; add [new 175 s.f. roof deck) at [75 Lansing Street. [APPLICATION NO. 9704686S. [FOR HEARING TODAY.

ACTION: **WITHDRAWN** by appellant prior to hearing.

APPEAL NO. V97-132

(8) KEVIN O'BRIEN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Rear Yard Variance [granted to Richard Goodyear, [to construct at 17-foot high [fence along the east property [line within the required rear [yard at the north end of the [property at 940 Green Street. [VARIANCE CASE NO. 97.280V. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 4-0 (Commissioner Salgado absent) to **UPHOLD** the Zoning Administrator and his findings and **GRANT** the variance.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Harry O'Brien, attorney for property owners; Richard and Connie Goodyear, property owners; Charlotte Schampp, in support of the property owners; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Debra Stein, attorney for appellant.

There being no further business, President Cullum adjourned the meeting at 9:53 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, DECEMBER 3, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS**.

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD**: Letter from Van T. Ly, agent for Sonia Chan, requesting that the Board take jurisdiction over denial of Building Permit Application No. 9711157 to legalize a dwelling unit on the ground floor of the building at 1090 Montogmery Street.

Date denied	October 14, 1997
Appeal period ended	October 29, 1997
Request for jurisdiction	October 31, 1997

APPEAL NO. 97-109

(4) JULIETTE DOGMA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial by Zoning Administrator
[on July 31, 1997, of health per-
[mit referral for a wholesale bakery
[at 169 Leland Avenue which is
[not permitted in an NC-2 District
[and prohibited in all neighborhood
[commercial districts (Planning
[Code Section 703.2).
[FOR FURTHER HEARING TODAY

APPEAL NO. 97-114

(5) GEORGE HAUSER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on August 25, 1997,
[of permit to Alter a Building
[(merger of four dwelling units
[to two dwelling units) at
[1275 Lombard Street.
[APPLICATION NO. 9714635.
[FOR REHEARING TODAY.

APPEAL NO. 97-137

(6) DIANA CONNER & PATRICK BOWEN, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[8, 1997, to Steve Comer, permit
[to Alter a Building (add deck
[and fire-rated guardrail to
[existing flat roof) at
[1919 - 20th Street.
[APPLICATION NO. 9712375S.
[FOR HEARING TODAY.

APPEAL NO. 97-139

(7) JOHN SANGER & DENNIS McELRATH, et al.,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[12, 1995, to Charles R. Thomas,
[permit to Alter a Building
[(construct roof deck, staircase
[penthouse and windscreen) at
[406-410 Lombard Street.
[APPLICATION NO. 9304568S.
[FOR HEARING TODAY.

APPEAL NO. 97-141

MARCIA GRIMM, MICHAEL BUCK,
KATHLEEN McNAMARA & NATHAN BRENNAN,
Appellants

(8) vs.

DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[31, 1997, to Bill McInerney,
[permit to Alter a Building
[(ground floor deck at rear of
[building) at 122 Caselli Avenue.
[APPLICATION NO. 9720736.
[FOR HEARING TODAY.

Date posted: November 25, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
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MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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Board of Appeals
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875 Stevenson Street, Room 440
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(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, DECEMBER 3, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: Stephen Williams thanked the Board for its decision on his appeal and urged the Board to not take legal advice from the City Attorney's Office.

Judith Boyajian defended her professional advice to the Board.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: President Carole Cullum, Vice President John McInerney, Commissioners Mauri Schwartz and Arnold Chin spoke in support of Ms. Boyajian and expressed their total rejection of Mr. Williams' comments.

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from Van T. Ly, agent for Sonia Chan, requesting that the Board take jurisdiction over denial of Building Permit Application No. 9711157 to legalize a dwelling unit on the ground floor of the building at 1090 Montogmery Street.

Date denied	October 14, 1997
Appeal period ended	October 29, 1997
Request for jurisdiction	October 31, 1997

ACTION: Upon motion Commissioner Schwartz, the Board voted 4-0 to **RECUSE** Commissioner Chin because he owns property within 300 feet of the subject property. Then after testimony and discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to **GRANT** jurisdiction. Ms. Chan has 15 days to file an appeal.

SPEAKER: Van Ly, agent for requestor.

Commissioner Chin left the dais at 6:26 and returned at 6:31 p.m. after the vote above.

APPEAL NO. 97-109

(4) JULIETTE DOGMA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial by Zoning Administrator
[on July 31, 1997, of health per-
[mit referral for a wholesale bakery
[at 169 Leland Avenue which is
[not permitted in an NC-2 District
[and prohibited in all neighborhood
[commercial districts (Planning
[Code Section 703.2).
[FOR FURTHER HEARING TODAY

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the Zoning Administrator with findings and **GRANT** the health permit referral for the wholesale bakery.

SPEAKERS: None. The public hearing was held and closed on September 17, 1997. The appellant was present and did not speak.

APPEAL NO. 97-114

(5) GEORGE HAUSER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on August 25, 1997,
[of permit to Alter a Building
[(merger of four dwelling units
[to two dwelling units) at
[1275 Lombard Street.
[APPLICATION NO. 9714635.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 3-2 (Vice President McInerney and Commissioner Chin dissented) to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: Robert DeVries, attorney for Barbara Kemp; James Reuben, attorney for appellant; Judith Boyajian, Deputy City Attorney; Robert Passmore, Zoning Administrator for the Planning Department; Barbara Kemp, tenant of 1277 Lombard Street, in support of department; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and George Hauser, appellant.

The Board recessed from 7:19 to 7:33 p.m. Commissioner Schwartz left the dais at 9:18 p.m. Item 6 was heard after Item 8.

APPEAL NO. 97-137

(6) DIANA CONNER & PATRICK BOWEN, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October [8, 1997, to Steve Comer, permit [to Alter a Building (add deck [and fire-rated guardrail to [existing flat roof) at [1919 - 20th Street. [APPLICATION NO. 9712375S. [FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** Commissioner Schwartz because she owns property within 300 feet of the subject property. Then after testimony and discussion, upon motion by Vice President McInerney, the Board voted 3-1 (Commissioner Chin dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Patricia Bowen, appellant; Steve Commer, permit holder; Eric Temple, in support of appellant; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 97-139

(7) JOHN SANGER & DENNIS McELRATH, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January [12, 1995, to Charles R. Thomas, [permit to Alter a Building [(construct roof deck, staircase [penthouse and windscreen) at [406-410 Lombard Street. [APPLICATION NO. 9304568S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **CONTINUE** the matter to **December 10, 1997** for revised plans only. Public hearing is closed and no new submittals will be accepted.

SPEAKERS: John Sanger, Jude Kaye, Aaron Peskin, Dennis McElrath, Dale Weidmer, Mara Amato, appellants; Robert Passmore, Zoning Administrator for the Planning Department; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; James Reuben, attorney for permit holders; Charles Thomas and Lori Stella, permit holders; Mark English, architect for permit holder; and Theresa Roth, Wolfgang Schulz, Gregorio Dychitan, Shaun Weston, Mary Ann Wolowic, in support of permit holders.

The Board recessed from 8:46 to 8:55 p.m.

APPEAL NO. 97-141

(8) MARCIA GRIMM, MICHAEL BUCK, KATHLEEN McNAMARA & NATHAN BRENNAN, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October [31, 1997, to Bill McInerney, [permit to Alter a Building [(ground floor deck at rear of [building) at 122 Caselli Avenue. [APPLICATION NO. 9720736. [FOR HEARING TODAY.

ACTION: Upon motion by President Cullum, the Board voted 4-0 to **RECUSE** Vice President McInerney because the permit holder is his brother. Then after testimony and discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Michael Buck, Kathleen McNamara, Nathan Brennan, appellants; Robert Passmore, Zoning Administrator for the Planning Department; Douglas Sands, attorney for permit holder; and Judith Boyajian, Deputy City Attorney.

Vice President McInerney left the dais at 8:56 and returned at 9:17 p.m.

There being no further business, President Cullum adjourned the meeting at 9:37 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

City Librarian
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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, DECEMBER 10, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

DOCUMENTS DEPT.
DEC 08 1997
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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS**.

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD**: Letter from David A. Heck, attorney for Jim Chew, dba "TLC Spa" requesting that the Board take jurisdiction over denial by the S.F. Police Department of a massage establishment permit at 1785 Bancroft Avenue.

Date denied	August 5, 1997
Last day to appeal	August 20, 1997
Request for jurisdiction	November 14, 1997

APPEAL NO. 97-115

(4) MARY HSU, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Revocation on August 27, 1997,
[of merchandise display permit
[for the public right-of-way
[fronting 768 Jackson Street.
[PERMIT NO. 97D-056.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 97-139

(5) JOHN SANGER & DENNIS McELRATH, et al.,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[12, 1995, to Charles R. Thomas,
[permit to Alter a Building
[(construct roof deck, staircase
[penthouse and windscreen) at
[406-410 Lombard Street.
[APPLICATION NO. 9304568S.
[FOR FURTHER HEARING TODAY.
[PUBLIC HEARING CLOSED.

APPEAL NO. 97-145

(6) MARY JOY THOMAS & CAROL S. BROOKS,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[12, 1997, to William Holloway,
[permit to Alter a Building
[(parapet work only on side yard
[shed) at 1969 California Street.
[APPLICATION NO. 9706409S.
[FOR HEARING TODAY.

APPEAL NO. 97-146

(7) MARTIN ENG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[29, 1997, to Anthony DiGenova,
[permit to Alter a Building
[(combine penthouse and apt.
[1003 by constructing a stair-
[way and upgrade penthouse bath-
[room) at 665 Pine Street.
[APPLICATION NO. 9715114.
[FOR HEARING TODAY.

APPEAL NO. 97-147

(8) CITIZENS FOR HONEST LIVE/WORK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October [24, 1997, to Langston St. Lofts, [LLC, permit to Alter a Building [(horizontal and vertical addi- [tion consisting of 15 live/work [units to an existing three-story [UMB) at 1116 Folsom Street. [APPLICATION NO. 9712263S. [FOR HEARING TODAY.

Date posted: December 4, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

PROCEDURE AT HEARINGS

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The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

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Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Carole Cullum, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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LOBBYING ACTIVITY

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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Dept. 41

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, DECEMBER 10, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

DEC 1 8
SAN FRANCISCO
PUBLIC LIBRARY

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKER: Joe O'Donoghue asked that the Board meet earlier than 6:00 p.m. because it is a public inconvenience to meet so late.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from David A. Heck, attorney for Jim Chew, dba "TLC Spa" requesting that the Board take jurisdiction over denial by the S.F. Police Department of a massage establishment permit at 1785 Bancroft Avenue.

Date denied	August 5, 1997
Last day to appeal	August 20, 1997
Request for jurisdiction	November 14, 1997

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 4-1 (Commissioner Salgado dissented) to **GRANT** jurisdiction. Mr. Chew has 15 days to file an appeal.

SPEAKERS: Jim Chew, requestor; Don McNab, building owner in support of requestor; David Heck, attorney for requestor; Officer Barbara Campagnoli, S.F.P.D.; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 97-115

(4) MARY HSU, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Revocation on August 27, 1997,
[of merchandise display permit
[for the public right-of-way
[fronting 768 Jackson Street.
[PERMIT NO. 97D-056.
[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to **RESCHEDULE** the matter to **December 17, 1997.**

SPEAKERS: The parties did not appear.

APPEAL NO. 97-139

(5) JOHN SANGER & DENNIS McELRATH, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[12, 1995, to Charles R. Thomas,
[permit to Alter a Building
[(construct roof deck, staircase
[penthouse and windscreen) at
[406-410 Lombard Street.
[APPLICATION NO. 9304568S.
[FOR FURTHER HEARING TODAY.
[PUBLIC HEARING CLOSED.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-0 (Vice President McInerney recused) to **CONTINUE** the matter to **December 17, 1997** to allow time for compromise by parties.

SPEAKERS: Andrew Junius, attorney for permit holders; John Sanger, appellant; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 97-145

(6) MARY JOY THOMAS & CAROL S. BROOKS, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[12, 1997, to William Holloway,
[permit to Alter a Building
[(parapet work only on side yard
[shed) at 1969 California Street.
[APPLICATION NO. 9706409S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-1 (Commissioner Chin dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Mary Joy Thomas and Carol Brooks, appellants; Ian Berke and Greg Scott, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley, attorney for permit holder; Patricia Okuji, Suzette Kitzelman, in support of permit holder; Jon Twichell, agent for appellants; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

The Board recessed from 7:48 to 7:57 p.m.

APPEAL NO. 97-146

(7) MARTIN ENG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October [29, 1997, to Anthony DiGenova, [permit to Alter a Building [(combine penthouse and apt. [1003 by constructing a stair-[way and upgrade penthouse bath-[room) at 665 Pine Street. [APPLICATION NO. 9715114. [FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **February 4, 1998** at request of parties to work out an an agreement.

SPEAKERS: None.

APPEAL NO. 97-147

(8) CITIZENS FOR HONEST LIVE/WORK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October [24, 1997, to Langston St. Lofts, [LLC, permit to Alter a Building [(horizontal and vertical addi-[tion consisting of 15 live/work [units to an existing three-story [UMB) at 1116 Folsom Street. [APPLICATION NO. 9712263S. [FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** Vice President McInerney because of a conflict of interest. Then after testimony and discussion, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that a required freight loading space be added to the plans.

SPEAKERS: Sue Hestor, attorney for appellant; Judy West read letter from Debra Walker, concerned with a discretionary review request of the Planning Commission until President Cullum ruled the letter out of order; Robert Passmore, Zoning Administrator for the Planning Department; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Doug Sands, attorney for permit holder; Joe O'Donoghue, Manny Flores, Mike Burton, in support of permit holder; and Sean Keighran, contractor for permit holder.

There being no further business, President Cullum adjourned the meeting at 8:49 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, DECEMBER 17, 1997

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

DOCUMENTS
DEC 12
SAN FRANCISCO
PUBLIC

12/17/97

(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from Henry L. Bargert, requesting that the Board take jurisdiction over Building Site Permit Application No. 9623564S issued to Mike Agil to erect a four-story, six dwelling unit building at 1121 Tennessee Street.

Date issued	September 22, 1997
Last day to appeal	October 7, 1997
Request for jurisdiction	December 4, 1997

APPEAL NO. 97-115

(4) MARY HSU, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Revocation on August 27, 1997,
[of merchandise display permit
[for the public right-of-way
[fronting 768 Jackson Street.
[PERMIT NO. 97D-056.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 97-139

(5) JOHN SANGER & DENNIS McELRATH, et al.,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[12, 1995, to Charles R. Thomas,
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[(construct roof deck, staircase
[penthouse and windscreen) at
[406-410 Lombard Street.
[APPLICATION NO. 9304568S.
[FOR FURTHER HEARING TODAY.
[PUBLIC HEARING CLOSED.

APPEAL NO. 97-149

(6) MONETTA SLAYBAUGH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[28, 1997, to Gillian Ellenby,
[permit to Alter a Building
[(convert to live/work units)
[at 725 Tehama Street.
[APPLICATION NO. 9615796.
[FOR HEARING TODAY.

APPEAL NO. 97-152

(7) ELIZABETH A. FRANCISCO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[31, 1997, to Pao Kin Poon,
[permit to Alter a Building
[(rooms addition at rear of
[one-family house)
[at 858 - 42nd Avenue.
[APPLICATION NO. 9709548.
[FOR HEARING TODAY.

APPEAL NO. 97-153

(8) JOE V. HEVIA & ASSOCIATES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Interpretation by the Zoning
[Administrator dated November 3,
[1997 that a general advertising
[sign (billboard) would be pro-
[hibited on the southeasterly blank
[wall of the Phillips Building
[at 246 First Street since Planning
[Code Section 608.6 prohibits
[general advertising signs oriented
[to a freeway and the site abuts
[to the northeast of the freeway
[ramp to Fremont Street and is
[fully visible from the ramp for
[750 feet of roadway.
[FOR HEARING TODAY.

Date posted: December 11, 1997

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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1/17/97

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, DECEMBER 17, 1997
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

DOCUMENTS DEPT.
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SAN FRANCISCO
PUBLIC LIBRARY

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from Henry L. Bargert, requesting that the Board take jurisdiction over Building Site Permit Application No. 9623564S issued to Mike Agil to erect a four-story, six dwelling unit building at 1121 Tennessee Street.

Date issued	September 22, 1997
Last day to appeal	October 7, 1997
Request for jurisdiction	December 4, 1997

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to **DENY** jurisdistion.

SPEAKERS: Henry Bargert, requestor; and Mike Agil, permit holder.

APPEAL NO. 97-115

(4) MAY HSU, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Revocation on August 27, 1997,
[of merchandise display permit
[for the public right-of-way
[fronting 768 Jackson Street.
[PERMIT NO. 97D-056.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the permit be **SUSPENDED** for 18 days beginning December 24, 1997.

SPEAKERS: Robert Horn, Inspector for Department of Public Works; Alan Lim, agent for May Hsu; and May Hsu, appellant.

APPEAL NO. 97-139

(5) JOHN SANGER & DENNIS McELRATH, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[12, 1995, to Charles R. Thomas,
[permit to Alter a Building
[(construct roof deck, staircase
[penthouse and windscreen) at
[406-410 Lombard Street.
[APPLICATION NO. 9304568S.
[FOR FURTHER HEARING TODAY.
[PUBLIC HEARING CLOSED.

ACTION: After discussion, upon motion by President Cullum, the Board voted to **UPHOLD** the department with the following **CONDITIONS**: 1. move the penthouse front wall back from the street by 4 feet; 2. reduce the size of the windscreens by 3½ feet; 3. replace the windcreen assembly which included 8" posts and casement windows with a 1½ foot clear glass frameless screen; 4. drop existing penthouse height by 2½ feet; 5. remove 15 square feet of decking in front of the penthouse; 6. drop the front parapet 2½ feet; 7. move 3 feet of the front west parapet back 2 feet from the property line; 8. reduce the front west parapet by 3 feet.

SPEAKERS: The parties were present but did not speak.

APPEAL NO. 97-149

(6) MONETTA SLAYBAUGH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[28, 1997, to Gillian Ellenby,
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[(convert to live/work units)
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[APPLICATION NO. 9615796.
[FOR HEARING TODAY.

ACTION: The permit was withdrawn by Andrew Zacks, attorney for permit holder, prior to hearing, and the appeal is deemed **ADMINISTRATIVELY WITHDRAWN**.

APPEAL NO. 97-152

(7) ELIZABETH A. FRANCISCO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October [31, 1997, to Pao Kin Poon, [permit to Alter a Building [(rooms addition at rear of [one-family house) [at 858 - 42nd Avenue. [APPLICATION NO. 9709548. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 2-3 (President Cullum, Vice President McInerney and Commissioner Schwartz dissented) to **UPHOLD** the department and **GRANT** the permit. Four votes are needed to overrule a permit.

SPEAKERS: Elizabeth Francisco, appellant; Robert Passmore, Zoning Administrator for the Planning Department; Richard Johns, attorney for permit holder; and Walter Wong, consultant for permit holder.

APPEAL NO. 97-153

(8) JOE V. HEVIA & ASSOCIATES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Interpretation by the Zoning [Administrator dated November 3, [1997 that a general advertising [sign (billboard) would be pro- [hibited on the southeasterly blank [wall of the Phillips Building [at 246 First Street since Planning [Code Section 608.6 prohibits [general advertising signs oriented [to a freeway and the site abuts [to the northeast of the freeway [ramp to Fremont Street and is [fully visible from the ramp for [750 feet of roadway. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 3-2 (Commissioners Chin and Salgado dissented) to **UPHOLD** the Zoning Administrator and not allow the general advertising sign.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Stephen Besser, attorney for appellant; Joe Hevia, appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

There being no further business, President Cullum adjourned the meeting at 7:55 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

City and County of San Francisco **Board of Appeals**

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The Board of Appeals has not scheduled a meeting on **December 24, 1997**. The next regular meeting is scheduled for **Wednesday, January 14, 1998, at 6:00 p.m.** in Veterans War Memorial Building, 401 Van Ness Avenue, Room 428.

Any questions concerning the scheduling of hearings or any other permit appeal matter may be directed to the Board staff at 875 Stevenson Street, Room 440, telephone 554-6720.

BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date this notice posted: December 18, 1997

CITY & COUNTY OF
SAN FRANCISCO
BOARD OF APPEALS
875 STEVENSON ST., #440
SAN FRANCISCO, CA 94103

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